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Canada Royal Commission
on pilotage

Hearings 1968

Nos 55-58



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A 217
ROYAL COMMISSION

ON

31
PILOTAGE

HEARINGS

HELD AT

Chicoutimi, Quebec

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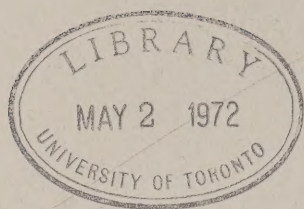
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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Court House,
Chicoutimi, Quebec, on the
30th day of July, 1963

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Robert K. Smith, Esq. Q.C.	Member
Harold A. Renwick, Esq.	Member

Mr. Gilbert Nadeau	Secretary
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COMMISSION COUNSEL:

Mr. Maurice Jacques	
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Mr. Leopold Langlois, Q.C.	For the Canadian Merchant Service Guild
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PRESENT:

Mr. J. Brisset)	For the Shipping Federation
Mr. H. Colley)	of Canada
Mr. C. Mason	For the Dominion Marine Association
Mr. Marc Lalonde	For the Federation of St. Lawrence River Pilots; Cor- poration of the Lower St. Lawrence Pilots; the Corpor- ation of the Mid-St. Lawrence Pilots; the Corporation of the Montreal Harbour Pilots; the Corporation of the St. Lawrence River and Seaway Pilots; the Corporation of The Upper St. Lawrence Pilots



ALSO PRESENT

Captain J. S. Scott, Technical Advisor to the
Commission

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1 ENGLISH

2 Q. Mr. Dussault, yesterday in your test-
3 imony mention was made of the radar targets at the
4 entrance of the Saguenay River. Would you please tell
5 the Commission as to whether or not you, on occasions,
6 get interference from tides on your radar screens?

7 A. Yes sir, now I would say more than on
8 occasions. This happens nearly all times on the change
9 of the tides where tide rips are very strong and produce
10 a lot of echoes which might be dangerous especially in
11 bad visibility or reduced visibility, echoes of small
12 vessels might be easily lost because of those echoes
13 returned by tide rips.

14 It is very pronounced.

15 Q. What about echoes from such targets
16 as buoys?

17 A. There again especially a small round
18 cylindrical or any buoy really doesn't give such a good
19 target -- this has been improved by the use of radar
20 reflectors on several of the most important buoys and
21 stuff like that but generally speaking radar echoes
22 from buoys are very poor due to the shape of the buoys;
23 instead of the echo being reflected back it disappears
24 in the atmosphere and loses most of the power.

25 There has been a big improvement with radar
26 reflectors fitted on --

27 Q. At low tide would you pick up echoes
28 from boulders on rocky shoal?

29 A. You would, but so many reefs, boulders
30 and shoals there at low tide for nearly five miles all



1 around the Saguenay sometimes you get quite a cluttered
2 picture on the radar screen. The utmost caution must
3 be exercised not to miss an echo of a small vessel
4 among these or try to dissect a moving echo among all
5 these steady echoes.

6 Q. Is it not a fact that all these echoes
7 which are frequent to aids to navigation might give you--
8 to the stranger to these waters -- quite a confused
9 picture of the situation?

10 A. You are quite right in saying so
11 sir. Even for an experienced man it is hard. I mean
12 the knowledge of distances in deep water and navigation
13 should always be kept in mind and checking on every
14 new echo we pick up on the screen because it is so far
15 off from the mainland, from the coast, and should
16 check.

17 It is possible to be a small ship or one of
18 the rocks because of low tide or even tide rips.

19 Q. You mean every new echo that appears
20 you must try to make a difference and if no local
21 knowledge and don't know how far the river runs or what
22 direction into the river, it is easier to miss them
23 or take a small vessel for a reef and vice versa?

24 A. In addition to the echoes from targets
25 such as tide rips and boulders and so on, you have also,
26 as you mentioned yesterday, echoes from ships that
27 anchor on rocky patch?

28 A. That is right.

29 Q. In connection with the effects of
30 the tide would you tell the Commission what would be



1 the strongest current to be expected when you have
2 this tidal bore in the Saguenay -- called in French
3 (Taureau du Saguenay)?

4 A. Taureau du Saguenay as you mentioned
5 is related to these very heavy tidal rips, that happens
6 especially at the turn of the tide, quite related to
7 the danger mentioned yesterday at the entrance of the
8 Saguenay and sudden surge in the velocity and change
9 of direction of the current and for a low-powered vessel,
10 especially, it is very dangerous.

11 There has been in the case of river schooners
12 and stuff like that small accidents such as loss of
13 echoes and stuff and caught suddenly and very low-powered,
14 there is danger of losing control of the vessel and
15 she might turn around. In the centre alone it is not
16 too bad but if other ships in the vicinity it is
17 dangerous.

18 Q. Is it not a fact that this tidal surge
19 is so strong that even for small schooners they might be
20 in difficulty if they are hit at a certain angle by
21 the surge of the water?

22 A. I have heard of this.

23 Q. When you mentioned happening to many
24 small river schooners because it is caught at the wrong
25 angle especially in the quarter by the Taureau du
26 Saguenay and you have to make the best of it, is it not
27 a fact, Captain, there is a special warning or caution
28 given to mariners in the Saguenay River, St. Lawrence
29 Pilots?

30 A. Caution is given to all mariners and



1 especially to low-powered vessels.

2 Q. Would this tidal upsurge or current
3 or whatever you call it, bore, be strong enough on
4 occasions to make a low-powered vessel turn completely
5 around?

6 A. I would say so if you are not careful
7 of steering and I have heard it did happen especially
8 after the War when we had quite a few of the low-powered
9 Parc Type and Liberty steamers, loaded, 28 and 29 feet
10 going up the Saguenay it did happen on several occasions.

11 Q. Again on the subject of tidal currents
12 at the entrance of the Saguenay River. Yesterday
13 reference was made to the -- what we call the table of
14 currents. Is it not a fact, Captain, the information
15 contained in this table of currents as well as the
16 information contained on the current charts is based on
17 surveys of currents made at the average depth of 30
18 feet and that the surface current may be quite different
19 from the current indicated on the chart or in the table
20 of currents?

21 A. From the first part of your question
22 about the survey being made at 30 feet, I am in the
23 dark there. But on the second part of your question,
24 there could be a very different velocity or direction
25 of current at different levels. This is a fact. It
26 is so. The difference of density of the water creates
27 different currents and different velocities. You have
28 different bodies of water from three different channels
29 and all these masses of water meeting causes eddys,
30 tide rips and everything.



M. Dussault, Cr.Ex.
(Langlois)

1 Q. Is there not a warning or caution given
2 in the Legend of the Table of Currents to the effect
3 that the information contained is based on surveys
4 carried out at the average depth of 30 feet?

5 A. I must say I can't remember.

6 Q. Your ship could be adversely or
7 differently affected depending on the draught of the
8 vessel?

9 A. No doubt about that. Yes sir.

10 Q. Mention was made yesterday of magnetic
11 disturbances. Is it not a fact that these disturbances
12 are completely unpredictable?

13 A. Yes sir. I did suggest that fact
14 yesterday afternoon and it is so. Magnetism is a very
15 erratic affair at its best. Even an expert can never
16 vouch for it and they are fairly specialist in the
17 matter. It is something you can't foresee, can't gauge.
18 It might change on the same ship and different times of
19 the day and again at sunrise and sunset you have
20 adverse or different effects on compasses.

21 This magnetism or disturbance is very hard
22 to predict and nobody can say for sure how much it will'
23 be and where and when. You just have to take precautions
24 when you know it could happen in certain spots.

25 Q. So in other words, you know they are
26 there but what they are going to do to the compass you
27 are in the dark about?

28 A. That is correct.

29 Q. And even when the ship is equipped
30 with a good gyro compass and have a power failure which



1 happens on occasions you are completely without any
2 means of controlling your ship?

3 A. Right.

4 THE CHAIRMAN: Very similar situation
5 to the British Columbia and the channel there.

6 THE WITNESS: And between Kingston and
7 Port Weller, my lord, some magnetic disturbances there
8 which is also unpredictable and cannot be measured.

9 Q. Now, would you explain to the Commission
10 why in the Ha Ha Bay you drop your anchor instead of
11 lowering it? Explain it to the Commission?

12 A. If you just drop your anchor in the
13 usual fashion when you come to a good anchorage, if you
14 were to do that in Ha Ha Bay you lose the whole thing,
15 anchor and cable and everything.

16 The water being so deep we anchor in average
17 depths of over 40 fathoms usually and sometimes there
18 are several vessels already anchored and must go into
19 even deeper water so you understand it is impossible just
20 to drop the anchor and usually instruct the officer in
21 charge to up the windlass -- to wind out the anchor and
22 cable usually a good three shackles. A shackle is
23 15 fathoms long and a fathom is 6 feet. And, proceed
24 very slowly to the anchorage we have decided to pick out
25 and when it is on the spot stop the vessel. She is
26 going very slowly anyway and walk out the rest of it.
27 It has been tried to let it go after this but such a
28 weight and three shackles even that could lead to loss
29 of the cable and generally your safest way is to walk
30 it out to six or seven as usual and take bearings and



1 make sure the anchor has taken a good hold and the ship
2 is safely anchored and even so you must keep a good anchor
3 watch and check frequently because it is quite steep.

4 Q. Is it not a fact, Captain Dussault, you
5 have also experienced difficulties in heaving in on
6 account of windlass being unable to take the strain and
7 stress of the chain?

8 A. This happened on quite a few occasions
9 sir without the ship's windlass would have great difficulty
10 and sometimes even have worn or burnt out fuses even
11 on a modern electric windlass equipped vessel. You have
12 trouble sometimes more than 45 fathoms up and down and
13 it is a terrific weight.

14 THE CHAIRMAN: How many shackles do
15 you have normally on an anchor?

16 THE WITNESS: In Ha Ha Bay?

17 THE CHAIRMAN: Fitted with a ship?

18 THE WITNESS: It is length of cable and
19 size of cable and anchor depends on tonnage and length
20 of vessel. To give an example, usually a 10,000 ton
21 dead weight vessel would have on starboard anchor some-
22 thing like 8 to 9 shackles and most probably about the
23 same or maybe a shackle more on port.

24 THE CHAIRMAN: About a one thousand foot?

25 THE WITNESS: Yes, about.

26 Q. Now, Captain Dussault, yesterday mention
27 was made of the extreme darkness of the night and overcast
28 night in the Saguenay River. Is it not a fact on account
29 of this and of extreme darkness some ships would shut off
30 their side lights in order to try and get the proper pro-



1 spective of the distance from shore?

2 Would you explain to the Commission what is
3 done?

4 A. There again you are quite right in your
5 statement. It might not seem like a very good security
6 manoeuvre or action but under the circumstances it is so.
7 The loom of navigation lights on dark black nights like
8 I didn't mention yesterday you would see anything from
9 shutting off lights for a certain period of time if no
10 other lights showing, you get a better idea of distance
11 of the rocks and shoal and it is why some vessels on
12 occasions have done this manoeuvre and sometimes the
13 only way to get a fair, approximate idea of distance off
14 shore. While it doesn't look a good thing it is sometimes
15 the best thing to do for your own safety. If there is
16 another ship coming up it is not too good for another
17 ship.

18 THE CHAIRMAN: You turn out the side
19 lights?

20 THE WITNESS: Sometimes, sir. But most
21 do it only in extreme cases. The Saguenay can be very
22 dark.

23 Q. Is it not also a fact on account of
24 this darkness sometimes you would have to ask an officer
25 on watch to refrain from smoking in the wheelhouse?

26 A. I am a non smoker myself, but never come
27 to that bad. The least light will sometimes reflect
28 in windows on a dark night. I have never stopped personally
29 but do sometimes ask an officer to send a man down to
30 shut some of the drapes or curtains across the lower deck



1 windows and portholes and stuff like that.

2 It is a hinderance and you don't see so well.

3 Q. At least, you ask him to go to another
4 corner of the bridge or wheelhouse to smoke and be away
5 from you?

6 Now, Captain Dussault, would you explain to
7 the Commission the cautions that you have to take coming
8 up with average sized draught vessel coming up the
9 channel leading to the bridge of Chicoutimi as to whether
10 or not it is necessary for you to wait for a certain
11 stage of the tide for example. Tell us the cautions
12 that should be taken?

13 A. I think it is good to say on most
14 ships using pilots to come to Chicoutimi they are loaded
15 with draught well in excess of the water available at
16 low water which is 16 feet and the large majority of the
17 coastal tankers coming up here would have average
18 between 19 to 22 feet so you must work them with the
19 tide. There is another thing to do. Most of these
20 berths as pointed out last night, especially those buoy
21 affairs in the channel -- another way to get in is with
22 a little bit of ebb -- two very important factors enough
23 water to come up to there and to have a current on the
24 nose of the ship or heavy current to make fast buoys
25 and drop anchors in place but not so strong as very
26 hard or dangerous manoeuvres. You must gauge it right and
27 leave St. Fulgence on top of high water which gives good
28 water in the channel and by the time you make fast in
29 the approaches the tide is starting to ebb and have plenty
30 of water and not too strong to manoeuvre.



M. Dussault, Cr.Ex.
(Langlois)

1 THE CHAIRMAN: What is the average time
2 from St. Fulgence to Chicoutime?

3 A THE WITNESS: Average speed would be
4 8 to 11 knots and 40 or 45 minutes to the berths. It
5 would be less for -- B.P. berths which is half way up.
6 Maybe 30 minutes from anchorage at St. Fulgence and either
7 40 or 45 minutes.

8 Q. Coming up this channel at night how
9 would you pick up a position of a known buoys as you call
10 them on the various anchorages because they are not lit?

11 A. At night time most of these vessels
12 we take here are equipped with search light and usually
13 don't put search light and it is close manoeuvres, you
14 are right alongside of them and have to work in such
15 close quarters with all these buoys you pick them out of
16 the darkness.

17 Q. With a searchlight? All this is a
18 matter of feet we are working with now. Now even yards,
19 you have to be close to the buoy to give room to the
20 fellow in the boat to shackle on the buoy. You usually
21 overshoot the berth a little bit, drop anchors and back
22 down easily alongside buoys and while getting alongside
23 pass the rope to the boy on the boat and shackle it on
24 and start manoeuvring on port side again.

25 Q. Is it not a fact, Captain Dussault,
26 on account of the range of the tide that the chain on
27 the sinker of the buoy -- you find these buoys almost
28 in the channel being drifted by the current?

29 A. Very close as you notice to the channel
30 and especially at low water with length of chain especially



1 if wind on the opposite side they more or less drift
2 naturally into the channel. Very close to it.

3 Q. Now, suppose you were coming up this
4 channel leading into Chicoutimi Harbour on a night
5 like we had last night and everything would black out?
6 You lose your buoys and leading lights and half way
7 inbetween would be the approach channel. What would
8 you do?

9 A. Start keeping just enough speed --
10 place extra lookouts and try, as much as possible, to
11 keep on the track of the channel and the ranges which I
12 am on now and hope for the best. Have my radar and
13 try and gauge this. It is very hazardous in this part
14 of the channel due to the low-lying shoals and banks
15 on each side. Just use all your experience and your
16 local knowledge and hope for the best.

17 Q. Is it not a fact, Captain, while you
18 have engaged in this narrow and dark channel you have to
19 go through it -- you can't anchor and can't turn around?

20 A. No sir. As you say you are quite
21 right. There is no place to turn the average ship around.
22 It is impossible. If you drop anchor, which would be
23 a very hazardous thing to do there, I mean you would have
24 to do running mooring, make sure it is keeping anchored
25 in the line of the channel more or less and have to
26 steer the ship while anchored to make sure. Proceed
27 on low speed and make the best of it. Once you are en-
28 gaged or committed there is no turning around.

29 Q. Is it not a fact also even if you
30 could safely drop anchor you would have to be -- have



1 to have enough water at low tide --

2 A. Only able to anchor the way we do on
3 the beginning and falling tide with 22 foot draught
4 ship might have an hour or two at your disposal to hope
5 it clears or else your ship would be grounded and might
6 break in two if a fairly long ship because the channel
7 is not long enough and maybe block the channel for days
8 afterwards.

9 Q. Have you ever experienced, have you
10 ever yourself noticed that some of the buoys in this
11 channel, particularly at the buoys, places marked when
12 they are out of position to the tide with strong
13 currents?

14 A The currents are not strong in all
15 parts. I have noticed a few times some buoys may be
16 a little out of position. Usually pilots will not put
17 too much confidence in the buoys themselves, they use
18 ranges and our own personal marks.

19 I personally remarked coming up here that
20 small pleasure craft seem to use these navigational
21 buoys as a mooring point. This is a dangerous practice.
22 A fairly large yacht, like the one we were on yesterday,
23 ~~uses~~ these things for moorings, it does not help keep
24 it in position.

25 Q. I am going to anticipate a question
26 by Mr. Jacques: St. Lawrence schooners don't use them
27 as anchors?

28 A. No sir. I have never seen any use
29 them.

30 THE CHAIRMAN: He said he never seen any.



1 Q. Have you also, in your experience,
2 noticed and possibly thought the buoys at the entrance
3 of the Saguenay River, particularly buoys around Red
4 Island also shoved out of position due to heavy currents
5 there?

6 A. Yes. You were speaking of the
7 mouth of the Saguenay and Captain Godreau yesterday
8 pointed out great danger existed there and there is
9 times it is better to use shore-based aids to navigation
10 or your own marks than the buoys. They are aids to
11 navigation but floating aids and the currents are
12 very swift and buoy 35B which is on the north-east shore,
13 north-east point of Red Island Shoal has been several
14 times displaced and carried away usually to the south-
15 ward and over the reefs.

16 This is a radar reflected buoy. This is
17 one here off the entrance and the currents are very
18 strong across from the light vessel and several times
19 in the last few years -- it seems to have improved
20 lately. Captain Godreau has made some improvements.

21 Q. Is it not a fact in order to keep
22 this buoy in position they have to use as many as three
23 sinkers?

24 A. Captain Godreau could give a better
25 answer. I am sure the usual ones are not enough for
26 that one. I can say that much.

27 MR. LANGLOIS: I am instructed, my
28 lord, that the experience as far as with this buoy 35B
29 that a problem has been that the buoy is going around
30 with the current and the chain will roll around the sink-



ers at low tide and as the tide comes up the buoy will float a sinker and providing that the sinker starting them away from the bottom with this buoy.

That is all.

CROSS-EXAMINATION BY MR. BRISSET:

Q. Captain Dussault, we were given some statistics by the Port Manager yesterday of the number of vessels that come to Chicoutimi through the Chicoutimi channel. In 1962 he gave us a figure of 171 vessels of which 80 to 85 per cent were tankers. How many trips did you make yourself?

A. In 1962?

Q. Yes?

A. I would say several. I think I brought in and out two vessels, personally.

Q. And that would be the average number of trips you would make a year?

A. Each pilot?

Q. In this district?

A. Yes. We are 77 of us and if we average about the same it is quite good.

Q. The tankers that come here, Mr. Dussault, are tankers that are regular traders to this port?

A. Well this question is hard to understand. I would not say regular traders. Take for example one coastal tanker might be regular for that year and for some reason or another chartered out to



1 another firm for 2 or 3 years and then might come back
2 regular and might have one trip and others come frequently
3 here. It is quite --

4 Q. Some of them trading the whole season
5 into Chicoutimi bringing oil to the various docks for
6 the various companies?

7 A. If you mean trading regularly they
8 come every week that is not the case. Take one part-
9 icular ship, it doesn't matter which one, one chartered
10 to Petro Fina, she might make four or five trips
11 steadily and in the spring and after that be on other
12 runs to the Gulf or to the Coast and during the summer
13 make one a month or six weeks here and in the fall make
14 three or four trips running and that is about the most
15 regular she would do. And another ship comes in twice
16 in the whole season and another one that comes only
17 once in the season. These are regular as far as vessels
18 are concerned.

19 Q. I am advised that some of these oil
20 tankers at times do come as often as ten to twelve times
21 in one season?

22 A. That is possible.

23 Q. You agree with that?

24 A. Yes, a fellow steadily employed would
25 make about five trips in the spring and in the fall
26 and two or three in the middle of the season and be about
27 twelve trips.

28 Q. Would you agree under the circumstances
29 the master of the ship would get quite a bit of experience
30 in coming through this Chicoutimi channel?



1 A. Experience is a debatable question.

2 If the master is there and paying proper attention and
3 learning the channel I would say he would gain a lot
4 of experience but it has been my experience sometimes
5 they have a pilot and not too worried about the marks
6 or learning the channel. If he wants to, I believe you
7 are right by saying twelve trips a year, if he really
8 wants to learn it, he will become a proficient pilot
9 in Chicoutimi. If he doesn't put his mind to it, he
10 is no better than a deckhand.

11 Q. Generally speaking do you find good
12 co-operation from masters of the tankers that come here?

13 A. Co-operation yes. But incentive to
14 learn the channel -- I never find any that are breaking
15 their necks to learn the channel. Co-operation is per-
16 fect with all the masters.

17 Q. We have also been given some statistics
18 of vessels coming up the Saguenay into the Ha Ha Bay,
19 Port Albert and Bagotville. It seems that the majority
20 of the ships coming up the Saguenay come into the berths
21 at the wharfs of Ha Ha Bay. Have you found during the
22 last few years of your experience in pilotage that
23 Liberty ships and Parc vessels are gradually disappearing
24 from the scene?

25 A. You are quite right, they are,
26 especially on the Saguenay River Run.

27 Q. Would you agree the new vessels used
28 in this port are vessels that have greater speed and
29 greater power and are better equipped than the Parc
30 vessels or Liberty vessels used to be?



1 A. You are quite right.

2 Q. Would you agree that it is important
3 insofar as your particular job is concerned, that is
4 piloting the ships, you have better ships in your hands
5 to handle?

6 A. Yes sir.

7 Q. Now, coming up or down the Saguenay
8 River is it your practise to use the radar even when
9 there is no fog?

10 A. No sir. Occasionally you might have
11 the radar going on but speaking from my personal ex-
12 perience in clear weather I hardly ever use radar any-
13 wheres in the pilotage district. Unless for my own
14 purposes I might want to check something. As you are
15 aware in the last few years great strides have been made
16 in radar and sometimes when new instruments are put in
17 and we have found co-operation from various masters of
18 vessels just to better ourselves in the use of the'
19 radar we might use it in clear weather and check it to
20 learn how to work it. But in clear weather I never
21 use radar.

22 Q. Do you use it on radar when you have
23 a dark and opaque night?

24 A. Yes, if I have to, I use it.

25 Q. Would you get a good picture of the
26 shore and the lines of the shore?

27 A. In the Saguenay River?

28 Q. Yes?

29 A. Good picture.

30 Q. You could fix your position pretty



1 accurately using radar at night in the Saguenay River?

2 A. Yes.

3 Q. Is it the practise to use the radar
4 at night even when there is no fog to check on the dis-
5 tance of land marks to ascertain your exact position?

6 A. It is the practise on some vessels
7 but I wouldn't say universally works in clear weather
8 on clear nights if the atmosphere is clear and shore
9 marks and lights, a man with local knowledge doesn't
10 need radar if he knows where he is.

11 Q. But if the distance is a little longer,
12 would you use radar to check the exact distance between
13 your vessel and a particular landmark like a bin or
14 wharf?

15 A. We could. It is done on many ships;
16 many captains have standing orders to officers to have
17 the radar running at night. They have it and use it
18 extensively good or clear weather as any other. But I
19 would not ask myself to put on radar in clear weather
20 for any purpose whatsoever.

21 Q. But you have found it the practise
22 of certain ships to use radar when --

23 A. The St. Lawrence River.

24 Q. ---at all times, is able to check on
25 positions and bearings?

26 A. Some ships, yes sir.

27 Q. They are extensive. Now, yesterday
28 you have spoken of rather sharp curves in the Saguenay
29 River. As you come up from the mouth of the river to
30 Ha Ha Bay are there any curves that are so sharp that



1 you could not see a vessel coming from the opposite
2 direction within what you consider a safe distance?

3 A. No, there is no such curves. Let us
4 say another vessel is keeping to the proper side of the
5 channel but if the ship is coming at the Saguenay very
6 sharply and with a current adding to the speed, the speed
7 of the vessel might become a little more dangerous but
8 generally speaking in the Saguenay you see a good dis-
9 tance.

10 Q. Because of the width of the river?

11 A. That is right.

12 Q. And provided as you say vessels do keep
13 to their proper side in the channel?

14 A. That is right.

15 Q. You have spoken of this practise that
16 is to shut off your side lights on very, very dark nights
17 for a little while to get a better view of the surround-
18 ings of the ship. Does that include the masthead
19 lights?

20 A. If I am correct, it includes masthead
21 lights more than side lights. Usually masthead light
22 being more forward it has been my personal experience
23 on the few occasions where it would help to shut the
24 masthead light off - I have never personally shut off
25 my side lights but I know some people who have done it.

26 I must state here we don't carry on this
27 blackout affair for hours at a time, only five or ten
28 minutes and only if we see no other ships proceeding
29 up but even so it must be with caution if a ship coming
30 up and another on the side and both at the same time and



1 nobody with any lights on you might have a very dangerous
2 situation. It is for short periods of time.

3 Q. That clarifies the point I have in
4 mind. This is occasionally the masthead lights were shut
5 off, on occasion?

6 A. That is right.

7 Q. And must they still have the one range
8 light, halfmast light on so it still shows and the side
9 lights. And you keep your stern light on?

10 A. It never bothers you.

11

12

13 RE-DIRECT EXAMINATION BY MR. JACQUES:

14 Q. Coming back to keeping up the subject
15 of shutting off lights, is that, is there any great
16 hardship involved in shutting off masthead lights to
17 find out where you are going?

18 A. No, it is usually just turning off a
19 switch in most ships.

20 Q. You state you might do it for ten
21 minutes?

22 A. I said we might do it for a few minutes
23 at the most five or six minutes by the time your eyes
24 get accustomed to the darkness and find out if you are
25 still in the channel or more to one side or the other
26 and put it on again. It might be three or five or
27 ten minutes. It depends.

28 Q. Do you know if this practise is done
29 elsewhere in the world?

30 A. It might be but I don't know any other



1 places. Another place it gets very dark is the Panama
2 Canal. I have in the past and on a few places there in
3 the dark nights - they have lights now but during the
4 War years it was pretty dark.

5 THE CHAIRMAN: You had blackout now
6 but I think it is full of aids to navigation.

7 THE WITNESS: But some of the nights
8 there were very dark.

9 Q. What is the candle power of the glow
10 of a cigarette?

11 A. I couldn't tell you. Very small,
12 I suppose.

13 Q. What is the candle power of the luminous
14 dial of a watch?

15 A. Less I would say.

16 Q. And the candle power of the light
17 illuminating the gyro compass or magnetic compass which
18 a wheelsman uses to steer the ship?

19 A. Very small. I have not made a study
20 of candle power.

21 Q. What is the candle power of light on
22 telephone?

23 A. It is usually off anyway navigating.

24 Q. And what is the candle power of the
25 small pilot lights to indicate whether running lights
26 are on or off? There is some indication whether the
27 pilot light is on or off?

28 A. Yes sir.

29 Q. Have you had occasion to request
30 people to refrain from smoking on the bridge because the



1 glow of the cigarette blinded you?

2 A. I answered that before.

3 Q. Have you?

4 A. Not personally.

5 Q. Have you been on the ship when the
6 pilot tells them to refrain from smoking because the glare
7 is blinding them?

8 A. No sir.

9 Q. You have only switched off masthead
10 light if you didn't have radar on board or not operating?

11 A. You are right.

12 Q. You went to sea before becoming a
13 pilot and I imagine that all the ships that you sailed
14 on were not equipped with gyro compasses?

15 A. Many of them were not.

16 Q. Many of them were not. Did you have
17 occasion to sail on the bridge of a ship not equipped
18 with a gyro compass?

19 A. On the bridge as an officer?

20 Q. Yes?

21 A. Yes sir.

22 Q. You did. Did you at that time rely
23 on your magnetic compass?

24 A. I did, sir.

25 Q. And what is the standard procedure
26 when you have a mate on watch on the bridge of a ship
27 having only a magnetic compass?

28 A. To check around if you have any trouble
29 with light, leading lights and so on by various means
30 available to check Security at least once every four



1 hours and usually have more than one magnetic compass
2 aboard and check one against the other every two hours
3 and at every change.

4 Q. You had a steering compass?

5 A. Yes.

6 Q. And a standard compass?

7 A. Yes.

8 Q. Are you a compass adjuster?

9 A. Yes sir. I work as a compass adjuster
10 but do not hold a certificate as such. I believe very
11 few people do even among compass adjusters.

12 Q. But you have done some compass adjust-
13 ing?

14 A. Yes.

15 Q. And as an Examiner for Master and
16 Mate you have to examine the applicants on magnetism and
17 compass adjusting?

18 A. I do, sir.

19 Q. In your practise and based on your
20 knowledge would you say that the standard compass is
21 more accurate than a steering compass?

22 A. Yes sir.

23 Q. You would? Why?

24 A. It is usually in a more favourable
25 position as far as magnetism of the ship to affect it.
26 Usually at the open bridge. Usually a very good
27 care is taken by the naval architect in setting this
28 compass in the centre line of the vessel away from all
29 movable iron that might affect it magnetically. What--
30 ever is put in the immediate vicinity is of non-magnetic



1 bronze, copper, et cetera. It is frequently adjusted
2 and checked.

3 Q. And also I believe it is in the position
4 where people are not always walking around the compass?

5 A. That is right.

6 Q. And you know that there is a difference
7 between dry action compass and wet action compass?

8 A. Yes sir.

9 Q. Which is the more suitable of the two?

10 A. The liquid compass or wet compass.

11 Q. Liquid card is slower in moving?

12 A. I wouldn't say slower moving but it is
13 brought to a stop if swinging quickly --

14 Q. It is slower in starting to swing?

15 A. It is possibly, but they follow very
16 well. Follow the head of the

17 Q. Follow the head of the ship quite well?

18 A. Yes sir.

19 Q. Would it be fair to say though that
20 although accurate they may be, they are not as rigid as
21 a gyro compass?

22 A. What would you mean?

23 Q. Rigid in following the ship's head?

24 A. No sir. There might be a small period
25 there in between the ship's head starting to move before
26 the magnetic compass while the gyro compass being under
27 the electrical system follows immediately.

28 Q. And is it not also a fact that if
29 the ship rolls even slightly with the magnetic compass,
30 liquid or dry, will also move?



1 A. Yes sir. It might even create an
2 unsteady action as we call it and create some trouble for
3 the man at the wheel.

4 Q. And the pilot?

5 A. Of course.

6 Q. Is it not also a fact that when you
7 change course it takes a little while for the compass
8 to adjust to the new course?

9 A. Yes sir. Always a little residual
10 magnetism that keeps on course for, depending on the
11 compass and the ship's magnetic capacity, but such a
12 thing does exist.

13 Q. When you went to sea as Mate on the
14 bridge of a ship employing a magnetic compass did you
15 find that these facts or comments which we have been
16 making on compasses caused great inconvenience?

17 A. Inconvenience -- I wouldn't call it
18 this. If you only have a magnetic compass you would be
19 much more careful and do much more checking. The man at
20 the wheel has to exercise more ability in steering and
21 the officer on the watch and pilot and everyone concerned
22 with navigating the ship has to do more work.

23 Q. Have you ever been on a ship which
24 found herself in danger because she was relying on a mag-
25 netic compass?

26 A. The compass being the prime source
27 of trouble, no sir.

28 Q. Do you not think it would be a sound
29 practise to switch the radar on before you encounter low
30 visibility?



1 A. Yes sir. It is only right, good
2 seamanship. You don't wait until you are in fog to start
3 warming up the radar. You do it away before as you see
4 fog coming.

5 Q. To warm the instrument?

6 A. And to get her in proper working order
7 before you get into the fog. There may be something just
8 inside that fog bank which you would like to know about.

9 Q. When you start radar in good visibility
10 before entering no visibility does it not give you the
11 chance of getting bearings on the radar?

12 A. Yes sir.

13 Q. Recognizing targets on the radar?

14 A. Yes sir, and at the same time the
15 pilot might check the accuracy of radar before he sets
16 in. Radar are not as perfect as they are trying to make
17 them and on several occasions, one or two degrees off is
18 a very common occurrence. A certain little bit of leeway
19 for error should be allowed so you might be able to check
20 the accuracy of it in good weather.

21 Q. Do you find this is done?

22 A. I do it.

23 Q. You do it?

24 A. Or I instruct the officers of the ship
25 to do it.

26 Q. Is this a practise which is followed
27 only by pilots?

28 A. No, I believe good seamen everywhere
29 would follow this, master or good ship's officer. I have
30 always found the majority of ships of all nationalities



1 do it that way.

2 Q. Ordinary practise of seamen?

3 A. That is right.

4 Q. When radar is switched on before enter-
5 ing fog it gives you an opportunity to recognize targets?

6 A. Yes.

7 Q. And having recognized one target is
8 it not true that it is easier afterwards to recognize
9 other targets?

10 A. You have a start on the game. You
11 just move from one thing to the other. I would describe
12 pilotage by radar sort of a picture in the screen sort
13 of matching picture of the river which every good pilot
14 should have in his imagination, his head. A picture
15 on the screen, continuing on the screen, giving you a
16 running picture.

17 Q. A running picture is what you get?

18 A. Yes.

19 Q. Have you mistaken the rocks in the
20 Saguenay as anything else when you switch your radar on
21 before entering fog?

22 A. I did not.

23 Q. If the radar is switched on before you
24 enter fog and have had an opportunity to recognize one
25 target, do you think it would be possible to mistake these
26 rocks for anything else?

27 A. It is very hard. There is always
28 a possibility of a mistake.

29 Q. Oh, yes, definitely. Your engine could
30 break down, run aground, your compass can break down and



1 run aground and binnacle can foul up.

2 A. At the entrance of the Saguenay a
3 small schooner going down and some have local knowledge
4 and coming right down along the reefs and low-powered
5 and against the tide and you have to be -- one or two
6 inches -- Sometimes facilities for plotting, which is
7 the only other way of knowing if a target is moving
8 or not, sometimes they are very small.

9 Even an experienced man in some cases might
10 make a mistake, I would say.

11 Q. I would agree with that wholeheartedly.
12 Now the tide rips as they appear on the radar screen,
13 do they appear to be fixed, immovable objects on the
14 radar screen?

15 A. They give you all kinds of pictures.
16 Sometimes you have fairly shakey, waivy line across the
17 screen in the direction that the tide rips are taking.

18 Q. This shakey, waivy line, would it
19 remain on the screen for any lengthy period of time?

20 A. Yes. If you have a very slow ship
21 it might be there for half an hour while you are approach-
22 ing it.

23 Q. Tide rip?

24 A. Yes. And then on another occasion it
25 might be an isolated target that will show up one place
26 more than the other. You must understand these things
27 depend on the adjustment of your radar instrument at
28 the time.

29 Q. Would it be possible to mistake this
30 waivy line with any other target?



1 A. Not when you have a waivy line but
2 you can get isolated targets and this could be dangerous.

3 MR. LANGLOIS: In this respect, if
4 I am allowed to interrupt, my lord, I asked these questions
5 of the witness and there was never a question as to the
6 possibility of mistaking a target. The questions were
7 asked, if there was a possibility of confusion on account
8 of interference from these strange or foreign targets,
9 especially and the question was prefaced - especially a
10 man who is not used to it and the questions were asked and
11 answered in this prospective.

12 MR. JACQUES: If I may say, I have
13 known Captain Dussault for several years. In fact, since
14 1939, I believe. We started our sea career together and
15 have not kept in touch during the years. I have great
16 respect for his opinion and judgment and also think he
17 is quite a level-headed pilot and I thought since I had
18 the opportunity of getting his opinion I should not miss
19 it. And what I say is not njust for the record, my
20 lord.

21 THE CHAIRMAN: In any event don't
22 prolong it if at all possible.

23
24 BY MR. JACQUES:

25 Q. Then, my lord, I shall -- since these
26 are matters of general seamanship -- they can be done
27 almost anywhere during the hearings and I will touch one
28 ~~point~~: is it not the ordinary practise of seamen that
29 when you have to anchor in very deep water to walk your
30 anchor anyway?



1 A. Yes.

2 Q. Is it not done all over the world?

3 A. Yes, but if you are relating this
4 question to the previous question about anchorage in
5 Ha Ha Bay you walk part of the anchor and let go of the
6 rest of it. But here walking is done the whole way to the
7 bottom. This is the usual practise in many places.

8 Q. For a seaman it would not be an
9 unusual manoeuvre of which he has never heard?

10 A. No sir.

11 Q. It would not. Is it not also true that
12 it is widely known by seamen that when your cable is
13 steep to its holding power is not so great?

14 A. As a rule the holding power of any
15 anchor --

16 Q. As regards buoys, isn't it also known
17 all over the world by seamen that you should rely on buoys
18 with certain restrictions?

19 A. You are right.

20 Q. Did you not learn that when you were
21 a seaman?

22 A. I did.

23 Q. Did you learn that also when starting
24 on the bridge of a ship?

25 A. Yes sir.

26 Q. I take it therefore it is not something
27 peculiar to the St. Lawrence River?

28 A. No sir.

29 Q. Is it not also true that these same
30 restrictions would apply when you are picking up a buoy



1 on radar, when you see the buoy?

2 A. I don't quite understand.

3 Q. Well the accuracy of the buoy, there
4 would be no difference if you saw it or picked it up on
5 radar, same restrictions would apply?

6 A. Yes. It is a floating aid and always
7 to be used with caution and rechecking by either, several
8 means if possible.

9 Q. Landmarks, fixed markings?

10 A. That is right.

11 MR. JACQUES: Thank you.

12 ---

13

14 BY MR. LANGLOIG:

15 I would have quite a number of questions
16 but since they do not all relate to the navigation of
17 the Saguenay I will forward them for the time being and
18 under the reservation when we are in tQuebec we could
19 ask Captain Dussault to answer some questions on the
20 subject of the questions this morning.

21 I want to ask a few questions this morning
22 just in order to place them in the right spot in the
23 evidence.

24 Q. One general question, Captain Dussault,
25 even though floating aids are not to be relied on com-
26 pletely are they supposed to be aids or nuisances to nav-
27 igation?

28 A. Supposed to be aids, sir. And some-
29 times we are very happy to pick even those up.

30 Q. Is it not a fact this non-reliance



1 on floating aids is more in the Saguenay River than else-
2 where on the St. Lawrence or other waters on account of
3 the strong changing tidal conditions?

4 A. You are correct, especially at the
5 entrance of the Saguenay.

6 THE CHAIRMAN: Was it stated the range
7 of the tide in the Saguenay River? I don't think it
8 is in the record.

9 THE WITNESS: The range varies con-
10 siderably from the entrance to the upper portion. At
11 Tadoussac the average length of the tide, somewhere around
12 17 feet, while Chicoutimi at St. Fulgence it could raise
13 as much as 22 feet. In between the Saguenay it would
14 lie between 17 to 22 feet rise.

15 THE CHAIRMAN: That is highest high
16 water?

17 THE WITNESS: About. But maybe a
18 little strong with south-easterly wind previous to springs.

19 Q. Is it a fact that the flood would be
20 about seven hours and the ebb about five?

21 A. Yes. The ebb runs quite a bit longer
22 than the flood.

23 THE CHAIRMAN: The same thing as
24 St. Lawrence River, Lower St. Lawrence is 6 and 6 and
25 the Upper region is 5 and 7.

26 Q. Now, Mr. Jacques asked you about the
27 reliance that you could put on standards and set compasses.
28 Is it not a fact that even great good ships, it is only
29 one compass they use now, telescopic type?

30 A. Yes, more and more in modern ships.



1 Q. Some compasses with telescopic type
2 site you could read it from the wheelhouse?

3 A. You are right. It is being put into
4 use on many ships these days.

5 Q. So you have only one magnetic compass
6 to rely on in these ships?

7 A. That is right.

8 Q. Now, about the officer of the watch
9 or pilot could be blinded by lights in the wheelhouse;
10 is it not a fact all these lights are equipped with
11 reshots?

12 A. Yes.

13 Q. Is it not also a fact that the past
14 use of radar in clear weather could interfere with your
15 vision because you are partly blinded for a while after
16 looking at the radar screen?

17 A. Yes sir you could say this happens.

18 Q. Is it not also a fact that even though
19 you have a good radar set, working properly, that on a
20 ship with -- riding high in the water -- it would be
21 impossible for you to pick up a small object at close
22 range on the water, buoys and small craft?

23 A. At very close range you are correct.

24 Q. I don't want to go further into this,
25 but we would have occasion to question you at length on
26 the limitations of radar. Now, just one last question.

27 MR. JACQUES: I am sure this pilot
28 would be convinced it should be thrown overboard.

29 MR. LANGLOIS: There is a difference.
30 This is an instrument which has been perfected to quite



1 a high degree but it has its limitations and the blind
2 use of radar could be as dangerous as discontinuation of
3 the use of radar altogether.

4 Q. Now, one last question about ships
5 coming up the St. Lawrence to Chicoutimi.

6 I will ask the question by Mr. Brisset as
7 to whether or not the master of a tanker calling at
8 Chicoutimi regularly or at regular intervals should learn
9 something about the channel. Has it been brought to your
10 attention that one of the small tankers which I think
11 are owned by a branch line which doesn't take a pilot
12 as a rule grounded on a recent trip up the Saguenay?

13 A. It is hearsay. I could not say per-
14 sonally. I have no personal knowledge of the thing. It
15 is hearsay as far as I am concerned.

16 Q. That was this year?

17 A. Yes.

18 MR. LANGLOIS: Thank you.

19 THE CHAIRMAN: I think there was a
20 subject that was not dealt with. Isn't there a special
21 way of navigating in the Saguenay River that you wouldn't
22 have in the St. Lawrence River. That is special within
23 navigating by whistle and echo?

24 THE WITNESS: Yes sir. Especially in
25 past years this has been used extensively and still is
26 occasionally with ships not equipped with radar. If
27 you get in fog in the Saguenay River most of the anchorages
28 are not so good, just sort of last resort affairs. What
29 we used to do then is reduce the speed below steerage
30 way and steer ~~ac~~course parallel with the channel at the



1 time and by using the ship's whistle find our distance
2 off the other side by timing the echo.

3 As you know, speed of sound in the air is
4 about 11 feet a second and by timing a sharp echo on
5 the cliffs of the Saguenay -- it used to be a very common
6 practice in the past before Radar and still the practice
7 if radar is not working.

8 THE CHAIRMAN: And I think for most
9 of the run of the river you have a good echo?

10 THE WITNESS: In the Saguenay it is
11 very good. I have used it myself on occasions. Occasionally
12 used but as I say much less in use because of radar
13 and the large majority of ships are equipped with
14 radar but in the old days before that when I served my
15 apprenticeship there were not so many then.

16 THE CHAIRMAN: Is it a practice at
17 times on several occasions to navigate with one anchor
18 trailing?

19 THE WITNESS: Yes sir. And on some
20 occasions when we used this we would walk out about three
21 shackles on one of the anchors. And just as an extra
22 precaution, for one reason or another, we would be
23 brought in on one shoal or the other and hope before
24 hitting rocks the anchor will take hold -- might be an
25 indication coming close to 45 fathoms.

26 THE CHAIRMAN: This is possible here
27 on account of the steepness of the side of the river?

28 THE WITNESS: That is right, sir.
29 Many places you tie up your ship right alongside the
30 rocks and hitting them would be a very dangerous affair.



1 MR. LALONDE: I don't want to delay the
2 proceedings but since a point was raised this morning
3 about the necessity of on occasion asking officers to re-
4 frain from smoking I could put a witness on the stand
5 this morning to say this is done.

6 THE CHAIRMAN: All right.

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1 CAPTAIN GASTON ROUSSEAU, sworn

2 DIRECT EXAMINATION BY MR. LALONDE:

3 Q. What is your age, sir?

4 A. 44.

5 Q. Your occupation?

6 A. St. Lawrence Pilot.

7 Q. Captain Rousseau, you were here in
8 this room when Captain Dussault was questioned about the
9 extreme darkness in the Saguenay River.

10 Is it to your knowledge that on occasion of
11 this extensive darkness the master or pilots would have
12 to ask the officers to refrain from smoking or from
13 smoking at too close a range from the man in charge of
14 the watch?

15 A. I personally did experience this
16 fact. A few years ago we experienced in the Saguenay
17 most of the time, these very dark nights and it came to
18 a point where we had to ask the man on watch to refrain
19 from smoking in the surroundings of the wheelhouse and
20 cover up compass binacles because the light inside of
21 it would reflect a little bit outside.

22 MR. LALONDE: Thank you.

23 THE CHAIRMAN: Do you have any other
24 witnesses for Chicoutime?

25 MR. JACQUES: No.

26 MR. BRISSET: No, my lord.

27 THE CHAIRMAN: So we will now adjourn
28 the sitting in Chicoutimi this afternoon. As you all
29 know on Thursday we sit in Churchill and then, as I
30 said, in Quebec. We have hearings on September 9th.

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

Fort Churchill
Manitoba

VOLUME No.:

56

DATE:

August 1, 1963

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ROYAL COMMISSION ON MARINE PILOTAGE

Proceedings of the hearing
held at the Canadian Army
Establishment School House,
Fort Churchill, Manitoba,
on the 1st day of August, 1963.

COMMISSION:

The Honourable Mr. Justice Bernier	Chairman
Harold A. Renwick, Esq.	Member

COMMISSION COUNSEL

Mr. Maurice Jacques

PRESENT

Captain J. S. Scott, Technical Advisor to the
Commission.



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6665



1 ---Upon commencing at nine o'clock a.m.

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THE CHAIRMAN: You are the only audience we have this morning, and it is customary to give a little speech but I think I will skip it, except to say that you know that we are here and that you may have seen our Terms of Reference, to study, upon request to study what is pilotage in Canada in general, so here we have a different type of pilotage and as we have found everywhere different types of pilotage and so we have to come here to find out what it is about here too.

We have three Commissioners. Mr. Smith has asked to be excused for this trip here, and we have Mr. Renwick with me, who is from Vancouver, and I am from Quebec, and as you know, we are not from the Department of Transport, nor the National Harbours Board. It is something separate and different.

We are here to try to find out what is pilotage and why is it necessary here and why it is done and all the facts for this district. You may go ahead.

MR. JACQUES: I wish to file as Exhibits the following charts; Churchill Harbour, Chart 5418, Exhibit 605; Cape Churchill to Churchill Harbour, Chart 5408, Exhibit 606; Cape Churchill to Egg River, Chart 5400, Exhibit 607; Hudson Bay and Strait, Chart 5000, Exhibit 608; and as Exhibit 609, the Canadian Edition of the Labrador and Hudson Bay Pilot, first edition, 1954. As Exhibit 610, the 33rd Annual Report on Navigation Conditions on the Hudson Bay Route from the Atlantic



1 ENGLISH

2 Seaboard to the Port of Churchill. This is published by
3 the Department of Transport. As Exhibit 611, in a bundle,
4 P. C. 1416, establishing the Pilotage District of
5 Churchill and P. C. 1961-1799, being the bylaws of the
6 District.

8 THEOPHILE ANDRE LAUZON

9 sworn:

10 DIRECT EXAMINATION BY MR. JACQUES:

11
12 Q. Mr. Lauzon, do you know the limits of
13 the Port or Harbour of Churchill?

14 A. Yes. I don't know, could I show you on
15 another plan, or use this one? I made up some drawings
16 that may help you. The harbour limits for Churchill
17 Harbour are P. C. 1250, dated June 28th, 1933, and it
18 reads:

19 "To include all waters in Hudson Bay
20 and Churchill River within following described
21 boundaries: --- Commencing at northern
22 extremity of Eskimo Point and running on course
23 due north to point five nautical miles from
24 Eskimo Point Beacon, thence, on circumference of
25 circle with said beacon as centre, easterly
26 and southerly to shore of Hudson Bay at high
27 water mark: Thence following said high water
28 line west of Cape Merry; thence following high
29 water line on easterly shore of Churchill
30 River upstream as far as tide ebbs and flows;



1 ENGLISH

2 thence across Churchill River to its western
3 shore; thence northerly and following high water
4 line downstream to point at Old Fort Prince of
5 Wales and across to Eskimo Point and to place
6 of beginning."

7 Q. Do you know when the Port was first
8 installed and operating?

9 A. The construction started in 1928 under
10 the railways and canals and was turned over to National
11 Harbours Board in 1937.

12 Q. And has been operated by N.H.B. ever
13 since?

14 A. Yes.

15 Q. And since then would you know what
16 dredging has been made in the Harbour?

17 A. Since 1937?

18 Q. The evolution of the Port since adminis-
19 tered by N.H.B.

20 I would like to file as Exhibit 612, a National
21 Harbours Board Plan entitled, "Channel Limits No. 874.

22
23 ---EXHIBIT NO. 605: Chart No. 5418.
24 Cape Churchill to
Churchill Harbour

25 ---EXHIBIT NO. 606: Chart No. 5408.
26 Cape Churchill to
Egg River

27 ---EXHIBIT NO. 607: Chart No. 5400.
Hudson Bay and Strait

28
29 ---EXHIBIT NO. 608: Chart No. 5000
30



1 ENGLISH

2
3 ---EXHIBIT NO. 609:

Canadian Edition of Labrador
and Hudson Bay Pilot, first
edition, 1954.

4
5
6 ---EXHIBIT NO. 610:

33rd Annual Report on Naviga-
tion Conditions on Hudson
Bay Route from Atlantic Sea-
board to Port of Churchill.

7
8
9 ---EXHIBIT NO. 611:

P.C. 1416 and P.C. 1961-1799,
bylaws of District.

10
11
12 ---EXHIBIT NO. 612:

Plan entitled "Channel Limits
No. 874."

13
14 A. The original dredging in the harbour 1928
15 to 1936 and that completed it as it had been proposed in
16 1928.

17 Then in 1938 it was necessary to remove 4,500
18 yards approximately from wharf face in area of silting,
19 which is upstream here, and in 1939 it was necessary to
20 again deepen the approach channel and that produced
21 98,000 yards approximately that year.

22 And they didn't do anything again until 1948,
23 when again 6,068 yards removed from wharf face area and
24 in 1950 it was again necessary to redredge the whole area
25 and removed 94,000 yards approximately.

26 In 1955.---

27 THE CHAIRMAN: On account of silting?

28 THE WITNESS: Yes. It occurs in ten-year
29 cycles and approximately every ten years it is necessary
30 to reclean the whole area again.



1 ENGLISH

2 Q. Go on.

3 A. In 1955, 2,686 yards removed again from
4 the face of the dock. Up to date a total, I am sorry, in
5 1959, 3,850 yards were removed from the turning basin
6 opposite the face of the dock. In 1960-1961, removed
7 15 yards from the face of the dock and come back 1958,
8 10,000 yards removed from approach channel.

9 THE CHAIRMAN: Always to keep at the same
10 depth, not increasing it at all.

11 THE WITNESS: In 1950, one basin was deepened.
12 223,519 yards known as maintenance dredging. This is
13 usually carried out by means of a scow-mounted drag-line ---
14 usually we don't bring the dredge out, only every ten
15 years we bring the dredge out, approximately.

16 Q. Now, Chart 5418 shows limited depth of
17 26 feet in the harbour. This is right up to the dock.
18 Do you take any soundings to insure the depth is main-
19 tained?

20 A. Yes. And at present this chart ---

21 Q. It is supposed to be corrected up to the
22 28th of July, 1963.

23 A. Yes, you have the latest one out and show
24 limited depth of 22 feet in the approach channel.

25 Q. 22 feet?

26 A. There is a new chart out 22 feet. At
27 present we are in the process of expanding. We are
28 redredging the harbour and will change this limited
29 dredge channel. It will be 28 and the turning basin will
30 be widened to 800 feet, instead of 600 feet.



1 ENGLISH

2 THE CHAIRMAN: Why do you feel it necessary to
3 change that?

4 THE WITNESS: Due to bulk carriers they are
5 much longer and deeper draught and this is why it is
6 necessary to widen and deepen.

7 Q. Why reduce it from 26 to 22?

8 A. There is silting downstream of the dredging
9 and it is only limited to 22 for this year. We hope to
10 have deepened by next year.

11 Q. Last year it wasn't necessarily 22?

12 A. No.

13 Q. And much of the silting in the entrance
14 channel is caused by dredging inside?

15 A. Correct.

16 Q. I imagine flow of the river carries the
17 material downstream?

18 A. Yes. You usually start upstream and
19 dredge, because the silting you might dredge eight or
20 nine times as you go along.

21 Q. This sedimentation or silting in the
22 harbour, you mentioned you have maintenance dredging in
23 cycles of about ten years. Would that be caused by that
24 flow of the river carrying material downstream?

25 A. Yes. We have two types of silting in the
26 river. One is the fact the river normally was quite
27 shallow and fast-moving before the harbour was built. We
28 have deepened the channel which has slowed down the
29 current and any silting in the river once it reaches the
30 harbour drops out because this silting done and the river



1 ENGLISH

2 freezes right to the bottom as far as we know or it
3 anchors itself on the rocks; then in the Spring, it melts
4 off and carries its rocks and deposits them anywhere and
5 some are quite sized rocks.

6 Q. When does the season start here?

7 A. Actually we have no limiting date in
8 Churchill. I guess theoretically twelve months, but
9 practical limits are midnight the 22nd of July, any ship
10 insured by Lloyd's of London can't pass Cape Churchill
11 until that date and it means it opens about the 25th of
12 July. Any ship which isn't insured by Lloyd's for
13 example, two in now, they can come in when the ice
14 conditions warrant, any time.

15 Q. Can you maintain your port open twelve
16 months a year?

17 A. Practically. Ice and conditions at
18 present make it impractical.

19 Q. Practically what would be the limit of
20 the season?

21 A. Limits of the season as far as Churchill
22 Harbour is concerned approximately mid-June when the ice
23 goes out of the river until mid-October when ice comes
24 back downriver, fresh water ice. It is open until
25 November.

26 Q. But cluttered with fresh water ice?

27 A. Yes.

28 Q. When you open up the harbour, do you make
29 any survey?

30 A. Yes. Each year we sound the harbour and



1 ENGLISH

2 survey as much as we are able to. Any place we are in
3 doubt about to make sure it is quite safe for navigation,
4 we sound.

5 Q. And of course the pilots are the employees
6 of the Government here. Would they have access to the
7 soundings?

8 A. Actually it has happened that the pilots
9 assist in the survey operation and in my office he can
10 get the plans and the soundings and we send them copies.

11 Q. Could I have this plan to file as Exhibit
12 613? And this is National Harbours Board Plan of
13 Maintenance Dredging, No. 874.

14
15 ---EXHIBIT NO. 613: National Harbours Board Plan
16 of Maintenance Dredging, No.
17 874.

18 And on this plan there is a note which refers
19 to dredging done between 1928 to 1955, and after that it
20 is shown on the plan itself for 1958, 1959 and 1962?

21 A. Correct.

22 COMMISSIONER RENWICK: To your statement about
23 the river freezing to the bottom, what approximate depth
24 of ice would that be?

25 THE WITNESS: We measure ice in the channel it-
26 self, in our own harbour channel, and have recorded as
27 high as 74 inches.

28 Q. You mention on the plan 874 of F-11, No. 5;
29 F-11, No. 3; F-11, 1 --- are these buoys?

30 A. Yes, they are. They are numbered as



1 ENGLISH

2 convenience. In other words, they should be numbered
3 according to the international act, but don't number them
4 in Churchill.

5 Q. These are your own numbers and they
6 indicate buoys?

7 A. Right. It is so we can identify them.

8 Q. And you have a plan of silting areas?

9 A. Yes.

10 Q. I file as Exhibit 614, Chart of Silting
11 and N.H.B. Plan of Silting Areas, No. 874.

12
13 ---EXHIBIT NO. 614: Chart of Silting and N.H.B.
14 Plan of Silting Areas, No.
15 874.

16 This plan shows the area of sedimentation and
17 gives also, I believe, the silting in inches above what
18 the level should be; is that right?

19 A. Yes. Our sedimentation rate, you get
20 silt deposited per year and a difference to the soundings
21 after cleaned out, and that would show next year.

22 Q. It seems to be very little sedimentation --
23 one inch per year?

24 A. Yes, it is. No, one -- six feet, which
25 is approximately two inches per year.

26 Q. Do you know if any ships have ever
27 grounded in these areas?

28 A. In my knowledge, no ship has ever hit in
29 the channel at Churchill. Some have grounded in the
30 harbour, but not within the limits of the channel.



ENGLISH

Q. Not within the limits of the channel?

A. That is right. On all our charts the solid black line marks the present channel, where we are today, and the dotted lines mark what it will be like by the end of next season.

Q. In your anchorage area you don't have to do any dredging? In the anchorage area shown on Chart 5418?

A. No, it stays as is.

Q. Outside the area indicated by limited depth on Chart 5418, you do not have to do any dredging off Cape Merry or for Sharp Point?

A. Not as yet, no.

Q. Do you carry any survey on there?

A. No, it has been assumed that it is settled.

Q. You have never had complaints that the depth of water would not be those indicated on the chart, there would be less water?

A. No, we never have.

Q. Now, sir, I think this covers questions 1, 2, 3, 4, 5 and 6 of our letter of July 11th, which was sent to you. Did you carry any studies or surveys during the last five years on currents in the harbour?

A. No. We have not carried out --- the only one survey carried out had been the hydrographic survey, that was in 1961.

Q. Was it carried out by you?

A. No, the hydrographic people in Ottawa.

Q. Did you make surveys of movement of ice



1 ENGLISH:

2 ~~and~~ Formation of ice inside the harbour or off the coast?

3 A. Once ice starts to form for our annual
4 report sent to the Board we watch the ice and take photo-
5 graphs of it, not because somebody wants it, not made up
6 as an actual study or report as such, but one could be
7 made up from the information we get. This information is
8 given to the map people in Fort Churchill, because they
9 put this down on their meteorological weather station and
10 every two weeks we take the ice depth and send that to
11 Ottawa for the meteorological people. This is the only
12 thing we do.

13 Q. All of this information concerning depths
14 and ice, do you send that to shipowners or agents?

15 A. Not unless they particularly request it
16 and since I have been here no one has requested it. It
17 is available if asked for.

18 Q. It is available if asked for?

19 A. Yes.

20 Q. Now, sir, does the Board control the
21 movements of the vessels in the harbour?

22 A. Mr. Wilson, our Port Manager is responsible
23 for all movements of ships within harbour limits.

24 Q. Yes. Does he place restrictions on the
25 movements of vessels? For example, speed, or time of
26 berthing or time of undocking, moving in and out at night?

27 A. Between the pilots and Mr. Wilson there
28 is nothing formally exchanged between them, but when he
29 feels a ship and the channel or depth of water will be
30 sufficient to move in and out --- if a ship draws 30 feet



1 ENGLISH

2 and approach channel --- won't allow it out until 30 feet
3 of water due to tide, so you have to wait until this
4 occurs and they tell Mr. Wilson we feel it will be right
5 to go and he says, "Fine," and as such he controls it.
6 The pilot couldn't take it out, unless Mr. Wilson said
7 so.

8 Q. He has the final say as to when a ship
9 will move, but relies on advice of the pilots to approve
10 the movement of vessels?

11 A. Yes.

12 Q. What is the range of the tide here?

13 A. Spring tides, 17 feet, leaps are 11.7,
14 I believe. I would have to check it, but as I recall it...

15 Q. Roughly 12 and 17 feet?

16 A. That is correct. The speed of vessels is
17 controlled by the pilot. He decides what speed he feels
18 is safe. There are no speed limits as such in Churchill.
19 If the pilot decides to go in and the tide is running
20 out, he has to go full speed ---

21 Q. No other installations that could be
22 damaged on the wharves?

23 A. No.

24 Q. By the wash of the vessel? Do you think
25 that the distance travelled inside the channel at high
26 speed would be long enough to cause erosion by the
27 ship wake as in the St. Lawrence River?

28 A. I would say no.

29 Q. No speed limit as such for either
30 installation or other traffic in the harbour?



1 ENGLISH

2 A. Correct.

3 Q. Would ships use tugs here in the Harbour?

4 A. Yes.

5 Q. Are they National Harbours Board tugs?

6 A. Yes, three National Harbours Board tugs
7 made available. The W.N. TOOLAN, tug GEORGE KYDD and
8 tug GRAHAM BELL.

9 Q. And owned by N.H.B.?

10 A. Correct. The TOOLAN is a twin-screw
11 1,600 horsepower tug reinforced for ice and 105 feet long,
12 approximately, and has a maximum draught of 12 feet and
13 equipped with radar, towing winch, echo sounder, ship to
14 shore radio --- the tug GRAHAM BELL is approximately 105
15 feet long and she is a steam-powered tug. Her rate of
16 horsepower is about 800. She is equipped with towing
17 winch, radar. At present she is laid up due to the fact
18 that we are hoping the new tug W.N. TOOLAN will take her
19 place, but she could be in service in two weeks if
20 needed. The GEORGE KYDD is approximately 60 foot long,
21 diesel powered and rate of horsepower approximately 550.
22 And draught about seven feet. The GRAHAM BELL'S draught
23 is about eleven feet.

24 Q. How long have you had these tugs here?

25 A. The tug GRAHAM BELL as far as I have
26 heard, I believe was built and sent in here in 1928,
27 especially for the job up here. The W. TOOLAN was built
28 in 1961 in Lauzon, Quebec, and brought in September,
29 1962. Construction started in December, 1961 and completed
30 in and up here by September, 1962. The KYDD was purchased



1 ENGLISH

2 from Hipwell in 1960 and ---- July of 1960 --- and pur-
3 chased for dredging mainly.

4 Q. Would these of course assist in docking
5 and undocking ships?

6 A. If the pilot says I want two tugs he is
7 given two or if he says he requires one tug, only one
8 goes.

9 Q. Would you know the charge made to the
10 shipowners for these tugs?

11 A. Vessels pay \$100.00 for service of tugs
12 to dock a vessel or undock. If a small tug is required,
13 the charge is \$15.00 for each service.

14 Q. Do you, these tugs are maintained also
15 by the National Harbours Board?

16 A. That is correct.

17 Q. Would the master of the tug sometimes
18 act as pilot or docking master here, or is piloting and
19 docking invariably done by two persons assigned as pilots?

20 A. Today, yes.

21 Q. Today, yes?

22 A. Yes.

23 Q. Do you use radio-telephone communication
24 with ships?

25 A. The National Harbours Board is equipped
26 by dual type direct to the marine station here in Fort
27 Churchill, so during office hours we are given, it is put
28 on teletype and they send messages direct to the ships.

29 Q. But no radio-telephone in your office.

30 A. We have in the National Harbours Board,



1 ENGLISH

2 we have V.H.F. radio sets and any ship equipped with this
3 equipment we can get in direct communication with them.
4 Our tug, the TOOLAN is provided with a set that we can
5 use to get in touch with ships, but in main we use the
6 radio station.

7 Q. Does it work satisfactorily?

8 A. Yes, I think so. From our point of view.

9 Q. From your point of view?

10 A. Yes.

11 Q. Would you know the length of delays
12 involved in reaching a ship?

13 A. Well, not from personal experience, but
14 hearsay, it takes as much as two hours to get a message
15 from and receive an answer again.

16 Q. Have you tried to use your V.H.F. set to
17 get in touch with the ships as they come in to give
18 orders, docking orders and things like that?

19 A. Yes. The captain of the tug has gotten
20 in touch with ships that way.

21 Q. Has he made any comment on this? Has he
22 found it satisfactory? Has he suggested this procedure
23 be accepted?

24 Perhaps it will help if I explain the back-
25 ground of this. In several other districts we have had
26 complaints from pilots on lack of communication or poor
27 communications between shore and the ship. We have
28 heard that sometimes the ship arrived before the message
29 arrived and things like that. We are asking if other
30 districts in other ports experience the same difficulty?



1 ENGLISH

2 THE CHAIRMAN: In Botwood we had an instance
3 where a ship was stranded miles from the harbour and they
4 sent a message by telegraph and the message was not
5 delivered, I think, till many, many hours after. I think
6 something like 22 hours and they were called from New
7 York to see what they were doing with that ship.

8 THE WITNESS: From the National Harbours Board
9 point of view, we don't experience too much trouble with
10 getting a message to a ship, because most of our messages
11 are not of an urgent nature. It has been said around
12 that sometimes it takes quite a while to get a message if
13 in a hurry for it, but we aren't usually in a hurry to
14 get it. The information we send isn't that much of a
15 rush nature.

16 Q. What is the procedure when a ship arrives,
17 picking up a pilot, clearing and customs and quarantine?

18 THE CHAIRMAN: Before you go into this question,
19 the question of urgency of communication of course, would
20 come from the question of speed also. Here I don't
21 suppose that any time any heavy traffic of ships coming
22 in and out of the harbour.

23 THE WITNESS: In the three years I have been
24 here I don't think I have seen one ship coming in and
25 another one out at the same time.

26 THE CHAIRMAN: It is necessary to the question
27 of communication.

28 THE WITNESS: Wouldn't have that much traffic
29 in the Port.

30 Q. Are you familiar with the procedre which



1 ENGLISH

2 ships follow upon arriving in Churchill?

3 A. I am slightly familiar with it, but not
4 really familiar enough. I might cause all kinds of
5 comments and mix everybody up and I will let someone else
6 answer that.

7 Q. Do you know if security watches are kept
8 or requested by the National Harbours Board?

9 A. They are not kept or requested by them.

10 Q. Have you also prepared a statement of the
11 accidents to the port installations?

12 A. To the port installations during the five
13 years past we have had a total of three accidents. Should
14 I mention the ships names involved, or just a ship?

15 Q. Ship's name doesn't matter very much.

16 A. In September 27, 1960, a ship struck the
17 wharf and caused damage \$380.00 and the pilot was aboard
18 at the time.

19 On August the 6th, 1959, another ship struck
20 the wharf causing damages totalling \$1,460.00, and a
21 pilot was aboard at the time.

22 On August 5, 1962, another ship struck the
23 wharf while turning, but damages were so minor we didn't
24 bother submitting the bill to the ship involved.

25 Q. Would ships invariably take pilots here,
26 or would you have small ships coming in without pilots?

27 A. Pilotage in Churchill is mandatory.
28 Every ship must have a pilot before entering, except
29 Government ships, the skippers bring in their own ships.
30 Very small ships such as --- I don't know what you call



1 ENGLISH

2 them --- no longer than fifty feet. From Eskimo Point
3 they come in by themselves. We usually wake up and find
4 them there.

5 THE CHAIRMAN: Local schooners?

6 THE WITNESS: Yes.

7 Q. Do you know the reason behind this rule
8 of compulsory pilotage? Are you able to shed any light
9 on that? Was it requested for reasons of security to
10 harbour installations, or reasons of revenue?

11 A. That is one question I have never asked
12 and not aware of the answer to it at all.

13 Q. These three collisions which you mentioned
14 do you recall whether any inquiries were held by the
15 Department of Transport?

16 A. No. We have never held a formal inquiry
17 into an accident as such, neither the N.H.B. or the
18 D.O.T.

19 Q. Do you have a harbourmaster here?

20 A. Mr. Wilson, our port manager acts as that.

21 Q. Have you experienced delays in docking
22 and undocking ships?

23 A. Well, from the National Harbours Board
24 point of view we say no, but this is open to discussion.

25 Q. We want your point of view.

26 A. In all fairness, we do experience delays
27 in shipping in the fact if a wind causes the sea to get
28 so high a pilot cannot board on the open roadside, this
29 would be a form of delay to a ship. He couldn't come in.
30 Number two, is if the tide isn't correct --- if a ship



1 ENGLISH

2 arrives there at some time and there isn't enough water
3 in the approach channel he must wait until it does come.
4 This is the only form of delay. If we can't load ships
5 quickly enough, we have room at the dock at present for
6 five ships; other years three, but now room for five and
7 if we get five at the dock and a sixth arrives and
8 haven't loaded one, this is another form of delay. This
9 is three types of delays we have here.

10 Q. I am given to understand here that the
11 pilots are Government employees -- one port warden and
12 one deputy port warden, and act as pilots. Would they
13 be the same men acting as pilot from year to year, or
14 would it change every year?

15 A. From experience, from what I know, Capt.
16 Munday has been deputy port warden for two years,
17 since I have been here, and one year port warden and
18 Capt. Wagner the other pilot, is now the deputy and this
19 is his second season, apparently they come up for maybe
20 two or three seasons and then leave.

21 Q. From N.H.B. point of view do you find
22 that satisfactory?

23 A. It would be much better if you had pilots
24 willing to stay longer, but it works out quite well.

25 Q. Do they undergo a certain period of
26 training when they come here for the first time?

27 A. As far as I know, both the port warden
28 and deputy have not left at the same time, and therefore
29 one has been able to train the other, but it could
30 certainly happen that both leave at the same time, and



1 ENGLISH

2 then there would be no training period. We would just
3 have to rely on his background and past experience.

4 THE CHAIRMAN: This is a different situation.
5 Do you know whether this pattern happened before just
6 happened to be this way this time, or whether a procedure
7 followed that always the port wardens and assistants are
8 pilots here?

9 THE WITNESS: In the past there was no pilot
10 that I know of at Churchill. Apparently we have had a
11 port warden, I think, called assistant or deputy port
12 warden, but not really port warden, for a number of
13 years, and the captain of the tug acted as a pilot.

14 THE CHAIRMAN: Up to when?

15 THE WITNESS: I think about five or six years
16 ago we finally had pilots.

17
18 BY MR. JACQUES:

19
20 Q. Do you recall if the system worked
21 satisfactorily when your tug captain acted as pilot?

22 A. Well, I can only say it acted success-
23 fully, because it was successful. It worked, but there
24 must have been some objection to it, because they
25 suddenly, the Department of Transport decided we had
26 enough shipping movement to have a pilot. Whether we
27 had more accidents then than now, I never went into it.

28 Q. From your point of view of efficiently
29 handling harbour business it worked satisfactorily?

30 A. Apparently it did.



1 ENGLISH

2 Q. Do you have statistics on traffic here?

3 A. Unfortunately, I didn't bring them with
4 me.

5 Q. They would be published for the annual
6 return of the National Harbours Board?

7 A. Yes.

8 Q. We have that return from 1961, but
9 haven't got the return from 1962. Apparently not com-
10 pleted.

11 THE CHAIRMAN: Was the 1961 return filed?

12 MR. JACQUES: Yes, my lord, in Montreal.

13 THE CHAIRMAN: I know I read it.

14 COMMISSIONER RENWICK: 1961 --- 50 cargoes.

15 MR. JACQUES: I don't recall. 63 ships in
16 1962 according to the information we have. All these
17 ships would be loading grain?

18 THE WITNESS: In 1962?

19 Q. Yes?

20 A. Except one ship, two ships actually.
21 1962 we sent out a cargo of sulphur and cobalt concen-
22 trates, I believe, and cargo of oil.

23 Q. This sulphur and cobalt concentrate, is
24 that something new which is called upon to be developed
25 in later years?

26 A. As a result of the Inco development of
27 Thompson a new type of cargo that has started in Churchill.

28 Q. Do you foresee the amount of that type
29 of cargo shipped through Churchill will increase?

30 A. I would say no.



1 ENGLISH:

2 Q. Why not?

3 A. According to Inco's people the market
4 for this is quite limited. In other words, we can't
5 compete even through here with people. They get silver
6 from Texas, unfortunately. Our main thing here in
7 Churchill is pulp --- may be able to compete in pulp.

8 Q. And ship through here?

9 A. Yes.

10 THE CHAIRMAN: I see Mr. Renwick's skeptical
11 smile when you mention pulp. He is from Vancouver.

12 Q. You say you ship oil?

13 A. We ship oil. We are going to ship
14 another one this year. Venezuelan oil comes into
15 Churchill and stored and the D.O.T. pick it up in tankers
16 and deposits at D.O.T., different places along the
17 D.O.T.

18 Q. Do you think this type of shipping will
19 increase?

20 A. No, stay pretty well steady.

21 THE CHAIRMAN: Has the SIMARD been here?

22 THE WITNESS: No, sir.

23 THE CHAIRMAN: We saw her in Sorel about a
24 month ago.

25 Q. Do you know if your pilots do piloting
26 elsewhere along the bay?

27 A. Never been asked to do any other pilotage
28 except in Churchill.

29 THE CHAIRMAN: When there is any other pilotage
30 necessary other places like Winiski, do you know what



1 is the practice?

2 A. Not being too familiar with it, but I
3 am sure that coming with goods in there is probably Port
4 Severn and ships of that type and a captain having gone
5 into port for twelve, fifteen years acts as his own
6 pilot, and relies on chart information.

7 COMMISSIONER RENWICK: What port is that?

8 THE WITNESS: Winiski, or any of the other
9 ports.

10 THE CHAIRMAN: Talking about many ships coming
11 at the same time and being obliged to wait, I suppose that
12 you have only one berth accommodation at your pier?

13 THE WITNESS: Five.

14 THE CHAIRMAN: Five berths?

15 THE WITNESS: Yes. Three grain berths provided
16 with galleys for loading.

17 Q. You could accommodate --- if five grain
18 ships come at the same time you have three and you may
19 berth in two others and then they are moved?

20 A. Yes.

21
22 Q. And just load them and the pilot is used
23 for that?

24 A. That is correct.

25 Q. Otherwise if a sixth one, he is obliged
26 to anchor in the anchorage area?

27 A. We do not use anchorage area shown on the
28 chart. It is not safe.

29 THE CHAIRMAN: Why is it marked as an anchorage
30 area?



1 ENGLISH

2 THE WITNESS: It is used as an anchorage area,
3 but only locally and small ships. It is not large
4 enough to handle 500 foot long ships.

5 THE CHAIRMAN: Just from looking at the charts
6 and width of the anchorage area, I should imagine the
7 ship going around on his anchor could stick on shore?

8 THE WITNESS: That is correct.

9
10 BY MR. JACQUES:

11
12 Q. Who collects the pilotage dues here?
13 Do you?

14 A. If I recall correctly, and only from
15 memory, the Port Manager arranged with Mr. Slocombe to
16 collect the port dues, pilotage dues, last year, and put
17 in an account here in Churchill, and distributed to the
18 Pilotage after. I believe this is the arrangement last
19 year.

20 THE CHAIRMAN: Coming back to extra ships that
21 can't be accommodated in the harbour and when they have
22 to wait they wait, I suppose, outside in the Bay.

23 THE WITNESS: Some would wait where we call
24 Fairway Buoy. It marks the limit of Churchill Harbour.
25 It is shown here. It marks the limit of Churchill Harbour.

26 MR. JACQUES: Circled in red on Chart 5400,
27 which is Exhibit 607.

28 THE CHAIRMAN: And so that is where they anchor
29 or do they anchor?

30 THE WITNESS: In the vicinity of that buoy.



1 ENGLISH

2 COMMISSIONER RENWICK: Getting back to the
3 pulp wood, where does that go, what is the market?

4 THE WITNESS: Market pulp for ---

5 COMMISSIONER RENWICK: Round wood?

6 THE WITNESS: Yes.

7 THE CHAIRMAN: And this wood is coming from an
8 area around here?

9 THE WITNESS: It is all in discussion in preli-
10 minary stage and being encouraged, hope to see from around
11 Kelsey, which is along Hudson Bay route.

12 THE CHAIRMAN: There is good wood there?

13 THE WITNESS: It is claimed some of the best in
14 Canada.

15 COMMISSIONER RENWICK: Good spruce?

16 MR. JACQUES: Would you have any further
17 comments to make on the various questions which were asked
18 of you?

19 THE WITNESS: No, I don't think so. I think
20 it has been covered quite well from my point of view.

21 MR. JACQUES: Thank you very much.

22 Q. Sir, I show you Chart 5418, which is
23 Exhibit 605. Apparently this is not up to date. Would
24 you bring it up to date in red? Would you explain the
25 corrections which you add on Chart 5418?

26 A. The bell buoy was changed from original
27 buoy, flashing white light was added. Black spar buoys
28 changed to black body type with white flashing light.
29 Red spar buoys changed to red buoys with flashing red
30 lights put on them. One new buoy, red spar buoy added at



1 ENGLISH

2 upstream limit of the channel. All new wharf installations
3 were put on the chart and the fixed range lights marking
4 the courses in the approach channels were also marked on
5 the chart.

6 MR. JACQUES: So there are two sets of ranges
7 which do not appear on the exhibits in which you have
8 inserted in red?

9 THE WITNESS: Correct.

10 MR. JACQUES: And the limit depth of the
11 entrance channel is not 26, but 22?

12 THE WITNESS: That is correct.

13 MR. JACQUES: Thank you.

14
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20/SS

EARLE STEADMAN WAGNER,
sworn:

DIRECT EXAMINATION BY MR. JACQUES:

Q. Mr. Wagner, I believe that you have had considerable experience at sea and held a master's certificate. Would you state when you obtained your master's certificate?

A. 1951.

Q. Where?

A. October, Halifax.

Q. And you subsequently sailed as master, did you?

A. Yes, I did.

Q. For two years?

A. Two years approximately.

Q. What ships as master?

A. S. O. KNOXVILLE, and S.O. SAN WAN and again on the United States Naval craft L.S.T. in the Western Arctic for a season of operation as master.

Q. And where did you trade on the S.O. ships?

A. East coast Canadian ports and east coast American ports, South America --- both coasts, east and west.

Q. How long have you been a pilot here?

A. This is my second season.

Q. When you first came up here as a pilot, did you undergo a period of training?

A. Yes, to a certain extent I would say I did.



1 I took the Senior Port Warden and pilot, I made five trips
2 with him before I, in my own mind, I had a pretty good idea
3 of the layout of the harbour and due to my previous
4 experience of handling and taking ships I was quite satis-
5 fied I could pilot in this particular harbour here, although
6 I must say that subsequently seeing that I find out some-
7 times as you go along you don't know it all, and experience
8 is a great teacher. I wouldn't say making five trips would
9 be sufficient. The wind condition and tide we have found
10 to be very, very unpredictable. I would say, if I am
11 right to speak, I would say possibly it should have more
12 of a training period than this time. Because of the fact
13 I had previous experience under very adverse conditions in
14 the Western Arctic and through ice and docking alongside
15 little jetties I felt confident to carry out the operation.

16 Q. Before we go on with the technical aspect
17 of your job, the bylaws provide that all the pilotage dues
18 be remitted to the pilots on the basis of number of days
19 available for work. And this Subsection 2 of Section 5 of
20 the bylaw, would you explain in practice how you are paid
21 as a pilot?

22 A. We are paid on the basis of per trip. Our
23 remuneration is during daylight hours. We take a ship
24 from the dock and pilot it out. We get \$40.00 during
25 daylight hours and if out to sea and pick up six or seven
26 miles for calls and bringing in and alongside, we get
27 \$40.00 for each, before sunset. After the sunset we get
28 an extra remuneration of \$25.00. This makes a total of
29 \$65.00 as far as we are concerned.

30 Q. You are getting paid for the actual number



1 ships that you pilot?

2 A. Actually this way, not on the basis of the
3 days available for duty, because this job up here, being
4 seasonal, we are out maybe two or three o'clock in the
5 morning and the break of day and with the new light in the
6 harbour we anticipate good visibility conditions for night
7 hours too.

8 Q. So you are getting paid by the trip.

9 A. By the trip.

10 Q. What facilities have you got available to
11 board ships?

12 A. These figures --- I took the WARKWORTH and
13 the other pilot is bringing the BRIGALIA in.

14 Q. What if you are ill or away?

15 A. In a case of if I was ill, it would be
16 given back to the one individual doing the job, and he is
17 going to receive all the pay. I would have no remuneration
18 at all.

19 Pardon me, I should say we have a dual purpose
20 job here which is possibly different than other pilots,
21 because we are also employed in the port.

22 THE CHAIRMAN: Only as pilots?

23 THE WITNESS: Yes.

24 Q. If one pilot is doing it all, the pilotage
25 in the period of time he is going to receive all the
26 income?

27 A. That is right. He would receive it all.

28 Q. And you said you alternate, but do you
29 compensate for the turns you have lost when you lose those
30 turns on account of illness?



1 BY MR. JACQUES:

2
3 Q. Are you allowed to catch up?

4 A. This would have to be, usually with two
5 men if they are of the same temperament and agreement, they
6 can work this way and Captain Munday and myself would do
7 this. There are occasions, it has happened right in this
8 particular port prior to my coming, one man came here and
9 thought he should do all the work, even though he had
10 instructions they should share on alternate basis, and he
11 took all the pilotage.

12 THE CHAIRMAN: He was the one in authority and
13 the other was minor and had to abide by it?

14 THE WITNESS: This fellow happened to be here
15 from previous years until he had an accident and then
16 found out it was essential they have the second man. That
17 is possibly why there is two pilots here in the same
18 capacity.

19 MR. JACQUES: I see there was an accident, but
20 that involved a ship ---

21 THE WITNESS: He slipped and fell on the tug-
22 boat and injured his hip and at that time had a tugboat
23 master who prior to this had been piloting and he took
24 over in that period. I think he was off two weeks.

25 Q. But not a shipping casualty?

26 A. No, just a case of a pilot injuring him-
27 self and falling from the ladder on the tugboat.

28 Q. And the port being without a pilot for a
29 period of time?

30 A. Exactly, except for the fact this old



1 gentleman, who at this time had passed 65, but they seen
2 fit, because it was an emergency had arisen they gave him
3 a licence again and he piloted for that period of time.
4 This is before my arrival. I think this is the reason
5 there happens to be two pilots here now.

6 THE CHAIRMAN: At that time there was only one
7 pilot?

8 THE WITNESS: Yes, sir, this one pilot.

9 THE CHAIRMAN: I thought you said there were
10 two pilots?

11 THE WITNESS: There were after that. When
12 they seen there was a possibility here of no pilot being
13 available the following year they brought up a second,
14 but because of the fact the pilot had done all the pilot-
15 ing the previous year, he continued to do so, even though
16 he was supposed to take alternative turns and that is the
17 way it went for two years. Until about two years ago, and
18 he got a promotion to Ottawa and Capt. Mundy came and
19 started sharing on alternative turns.

20 Q. And what about the method of payment when
21 one of the pilots was doing all the work; he took all the
22 fees?

23 A. Oh, yes.

24 Q. And what about the second man?

25 A. He just got \$450.00 a month of Port
26 Warden's dues.

27 Q. He didn't complain?

28 A. He complained, but to no avail, I guess.

29 He came back about two years and it didn't get straightened
30 out until I think 1961, and Capt. Mundy was sent up and had



1 to bring somebody from the Pilotage Authority to straighten
2 out the situation. Maybe this afternoon Capt. Mundy
3 could give you a little more specific information.

4 Q. We understand that the pilot boat is
5 provided by the National Harbours Board; is that correct?

6 A. Yes.

7 Q. Describe what sort of boat it is?

8 A. Well, it is what I would describe as a
9 deep-sea tugboat built for multi-purposes --- deep-sea tug-
10 ging, deep-sea salvaging, ice-breaking, special strength
11 for ice --- harbour tugboat and also for pilotage tender.
12 Apparently for some unknown reason at the time this boat
13 was designed they were not aware of the fact it was to be
14 used as a tender and as a result apparently when they wrote
15 out the plans they didn't take this into consideration and
16 this subsequently is what it is being used for in the
17 confines of the harbour. And it is used for taking pilots
18 back and forth, so as a result, when this tugboat came up
19 we were anticipating to have a big improvement over what
20 they had in the past and that it would be something very
21 good, but in actual practice we found it leaves a consi-
22 derable amount to be desired.

23 Q. In what respect?

24 A. In this respect. It has quite a flared
25 bow and when it meets any swell at all in 20-mile breeze of
26 wind and several days after you get quite a grand swell
27 and it is practically impossible to board a ship and you
28 are restricted to a very, very short season here and some-
29 times we have to take chances and it just isn't a suitable
30 boat.



1 ENGLISH

2 It is very tender, I would say. It runs very
3 quickly and trying to get on or off a ladder it is very
4 risky. We have voiced our disapproval. In other words, we
5 all have our little troubles and this is one of them. It
6 can be very dangerous and hazardous.

7 Q. When did you start voicing your troubles
8 and to whom?

9 A. We went out one day to get alongside a ship
10 and found out we got inadequate fenders and knowing
11 possibly it was the wrong side and we would damage the ship
12 we had to go back in. We knew that the old tugboat GRAHAM
13 BELL, if we had it we could have got aboard, because she
14 had a sharp bow and is heavy and doesn't have a flare, she
15 doesn't lift. She sits nice and steady. This is a very
16 bad place to get on and off a ship. In good conditions it
17 is okay, but with the wind 18 to 20 miles an hour conditions
18 when wind is off the Bay, blowing on the land, north-east
19 or south-east it creates quite a sea and swell.

20 Q. Does it happen very often the wind blows
21 from that direction?

22 A. Yes. I have been here two weeks and been
23 very good. But from August on it seems every week you get
24 blows, towards the latter part of the season sometimes they
25 last for up to two or three days. It is somewhat touch and
26 go if you can get on, but if the whole dock is lined up
27 with ships and loaded with grain and everybody looking at
28 the pilots and saying you should do something and you know
29 in your own mind you can't --- these are conditions I guess
30 every other pilot has these troubles too, but I would say



1 ENGLISH

2 that conditions for the coast itself could be somewhat better.

3 We are not quite happy with the new tug.

4 Q. Have they done something in that respect?

5 You complained, I presume, to the National Harbours Board
6 the owner of the tug?

7 A. Yes.

8 Q. Have they done something in this respect?

9 A. They have taken some steps, but still
10 don't think possibly it is sufficient. It could be more.
11 We suggested for instance, when you step to get on the
12 bulwark she is half round bulwark, as on a cargo ship.
13 Secondly, you step on that and it is wet and you can go
14 over the side and it is really tricky. I call it a she.
15 I call ships she. But anyway, I think they could have done
16 a little more. We complained a lot about the bulwark and
17 they have put some there, about five feet of space about
18 every six or eight feet they have a section, but it should
19 have been carried right along and the fenders, that is no
20 better than last year. They budgeted for this I under-
21 stand. The Port Authority and Harbour Board, but as yet
22 haven't come up with the proper thing. It is on order, but
23 hasn't arrived. It should be here now, because really you
24 can cause a lot of damage coming alongside because this
25 tugboat is in the vicinity of 350 tons and that much
26 pressure against the side of a ship, moving up and down,
27 can cause damage. This is one of the things. It is not
28 very satisfactory. We anticipated something better.

29 Q. You consider it dangerous to your life?

30 A. At times, yes, I do, really.



1 ENGLISH

2 Q. You reported one incident of not being
3 able to board a ship. Did that happen often?

4 A. We have a pretty good idea of conditions,
5 knowing the tugboat and wind velocity and how long it has
6 prevailed and sometimes we don't go out; we advise ships to
7 stay offshore.

8 Q. Last year did it happen very often you had
9 to tell a ship to stay offshore, because you couldn't board
10 it?

11 A. Sometimes ships will set as much as seven
12 shots of cable, it is 15 fathoms, and you know how much ---
13 they will drag for a mile or two. We keep them off the sea
14 buoy.

15 Q. What was the length of the delay involved
16 in this case?

17 A. Well, that would depend on various conditions

18 Q. Last year how many times have you had to
19 tell ships to stay off?

20 A. To be specific, I couldn't be, but on
21 several occasions. This happened on several occasions for
22 that reason.

23 Q. Do you recall on these occasions whether
24 the delays involved were matters of a few hours or half a
25 day or a day or two days?

26 A. Sometimes these were a day. I would say
27 up to a day.

28 Q. Up to a day?

29 A. There may be some places this wouldn't
30 mean much, but when the season is two and a half months and



1 ENGLISH

2 fourteen ships at anchor waiting their turn, it creates a
3 bit of a problem. As a pilot, you try to do your best,
4 however, it is your life and family and kids you think of, and
5 it is a hazard you have to take. Possibly in this
6 particular area we have more adverse weather conditions.
7 Using this dock we have, we probably have more difficulties
8 than some of the other areas in Canada. Not the worst, but
9 some.

10 Q. When do you start your season and when do
11 you finish?

12 A. Depending on the ice conditions in Hudson
13 Bay. Some years they have got in about the 22nd of July
14 and I understand sometimes it is maybe the first week of
15 August, first grain vessel arrives.

16 Q I see. Do you think the helicopter would
17 obviate many of the difficulties aboard the ships?

18 A. We have given this due consideration, but
19 on cargo ships with derricks and guywires it is a little
20 difficult.

21 Q. And also extensive, the cost of the heli-
22 copter aboard the C.D. HOWE I understand is worth about
23 \$75,000.00?

24 A. It is very, very costly.

25 Q. Would you, sir, on Chart 5400, Exhibit 607,
26 indicate where you board ship and where you disembark?

27 A. Approximately here, roughly speaking, on
28 occasion here. We have some of our ships even upwards of
29 seven miles off Eskimo, approximately.

30 Q. Indicate this place with a red circle?



1 ENGLISH

2 A. This would be the maximum limit. Some-
3 times it takes you outside the limits of the port, you
4 know. Approximately be in this area here. That would be
5 the minimum limit.

6 Q. And normally?

7 A. Normally be right here at the sea buoy,
8 which is approximately four miles off from Merry Rock, as
9 we call it.

10 Q. Why would you have to go so far to board
11 vessels?

12 A. When you get a considerable amount of ships
13 probably over an area ---- upwards last year in port of
14 fourteen ships anchored off here and usually recommend them
15 going in here to keep well clear of one another, because
16 of dock anchorages and so on, and ships around the sea
17 buoy first accumulate, they don't want to go past, because
18 it is very poor in north-east wind. We don't suggest they
19 come in here at all. We like to get off here. We usually
20 pick up at the sea buoy. Small ships we handle when
21 required, there is no compulsory pilotage, but if they
22 request a pilot, naturally we go out. And we board some-
23 times, if the weather is really bad and the skipper
24 generally fails to put them alongside the berth --- coming
25 through the entrance here, in past Merry Rock buoy, in
26 there a cable length or two.

27 Q. Do you experience much fog here?

28 A. Not too much. Actually last year while I
29 was here --- this is my only season last year --- that is
30 all I can go by, so maybe a good year, but really last year



1 ENGLISH

2 was very good. I would say fog we had only on several
3 occasions. I remember only one occasion when I couldn't
4 leave because of dense fog. You wouldn't want to attempt
5 to go out here without buoys and marks. This is a big
6 body of water and can't take a chance at all.

7 Q. Would you describe your work as you take a
8 ship in from the sea buoy? The currents you experience;
9 course you have to steer and the dangers and difficulties
10 you encounter?

11 A. The biggest difficulty, as I mentioned
12 before, is trying to embark, to get aboard the vessel.
13 Usually coming in here again --- this has to do with a
14 lot of prevailing conditions --- I have brought ships,
15 employed with the Atlantic Line, bow out of water and onto--
16 from the sea buoy on, I board at the sea buoy coming in.
17 You have a course of 236 true and you have to allow for
18 leeway. They are good sized ships. I have had to hold up
19 fifteen to twenty degrees to keep on the beacons. Now,
20 with the beacons in line you have a very good approach
21 really. This water sort of runs for here.

22 Q. Water from the river?

23 A. The line of demarcation lights parallel to
24 the coast and you get blue water and muddy water and from
25 Spring current I would say you can count with ebbs tides,
26 like in the map, tides only run two or three knots maximum
27 flood tide, on maximum ebbs tide with southerly wind blowing
28 out the entrance here, water pouring out at the rate of
29 seven knots.

30 Q. Indicate the directions with a red arrow,



1 ENGLISH

2 please, the ebb current?

3 A. Ebb I would --- this is shallow off the
4 coast. I couldn't be specific about currents here, because
5 of the fact prevailing winds have a lot to do with surface
6 pull. Specifically, the only thing I can tell you here,
7 sir, would be to say that it just comes out here like a
8 brook.

9 Q. Refer to Chart 5418 which is Exhibit 605.
10 This indicates various arrows for currents?

11 A. Yes.

12 Q. And also indicates eddies. And the entrance
13 with currents and eddies shown on the chart have been
14 experienced by you in your work?

15 A. At times, yes.

16 Q. And I don't know if they give any rate for
17 the current, but in your experience at the entrance of
18 Cape Mary what would be the maximum current you would
19 experience there?

20 A. I would say approximately seven knots
21 maximum with a southerly wind and about three or four hours
22 after high water.

23 Q. I see. And at other times, when the wind
24 is not southerly?

25 A. It comes up approximately in the vicinity
26 of maybe five knots.

27 Q. Would that current create any difficulties
28 in entering the harbour?

29 A. It certainly creates difficulties, sir,
30 because of the fact that, in other words, if you had engine



1 ENGLISH

2 failure here ---

3 Q. "Here" you mean at the entrance?

4 A. Yes. If you had engine failure here you
5 wouldn't have much chance of avoiding hitting anything,
6 rocks, you would have to say it is a fact engines can fail.
7 So these are the things that can happen. We always think
8 and only hope they don't, but they could happen.

9 Q. What speed do you come in?

10 A. Conditions mean everything here again.
11 This is a case, 12,500 ton ship I brought in the other day,
12 five feet high water and it was pulling and coming in half
13 speed and another ship ahead of me, to control the vessel
14 had to go full speed and approximately close to thirteen
15 knot ship and had to go full speed to say I had full
16 control to make this entrance here.

17 Q. And does it happen very often you have to
18 go in at full speed?

19 A. Yes, on that stage of the tide we usually
20 don't hold them up for many --- We handle ships at most
21 any stage of the tide, really.

22 Q. Do you have difficulties in getting the
23 way of your ship after inside if going full speed?

24 A. Not on ebbside. We don't have too much
25 trouble, because sometimes brought alongside the dock you
26 will get upwards, even in here ...

27 Q. When you say "here", you mean along the
28 dock?

29 A. The berth if you had her well to come
30 alongside there is lots of times you don't, on occasion you



1 ENGLISH

2 have to drop in the middle grain berth, right in here. Lots
3 of times that is, along the face of the dock, upwards of
4 three to four knots, so you have to keep --- let's say high
5 speed on to stem them.

6 Q. After you have passed Cape Merry you have to
7 come ---

8 A. Merry Rock.

9 Q. You have to come to port?

10 A. Yes, sir.

11 Q. Do you experience great difficulties in
12 making that turn?

13 A. Yes, sometimes. There are times, yes. Let
14 us put it like this: If you are coming full speed and
15 have a current running out, let's say seven knots, you have
16 to be --- unless you are making full speed, on a ten-knot
17 ship sometimes you may have to delay it coming in for that
18 reason when that gets you broadside coming in, the current,
19 you would experience some difficulty.

20 Q. To the best of your knowledge, has there
21 ever been any accidents to ships coming in? Any accidents
22 caused by current?

23 A. No, not so many, not coming in. The other
24 year, Capt. Rose, who was prior to me, tried to come in in
25 darkness and couldn't berth.

26 Q. He couldn't make it?

27 A. Had a ship here and ship here.

28 Q. Indicate that with the letter "M".

29 A. There is this place, we call it Number 2,
30 we usually call it middle berth, shed berth.



1 ENGLISH

2 Q. And this is black on the chart?

3 A. Yes, but further to that on occasions you
4 asked the question of ships coming in, and going out, but
5 if a ship didn't make the bin indicated by ---

6 Q. Indicate the spot with the letter "X".

7 A. Roughly here --- I wouldn't want to be
8 quoted on this, but he told me over in this area here.

9 Q. Indicate the area with a large circle, so
10 the Commission will have an indication of where the ship
11 would have grounded?

12 A. A circle do it?

13 Q. Yes.

14 A. About, somewhere in that particular area.

15 Q. Apart from these two cases, would you have
16 knowledge of other incidents?

17 A. Yes. There were occasions of ships striking
18 dock in mooring and coming alongside and swinging an anchor
19 and things like that --- not causing serious damage. But
20 no matter how many good landings, you never get a pat on
21 the back. The one mistake and all the so-called people on
22 the dock they always talk about those things.

23 THE CHAIRMAN: They do what?

24 THE WITNESS: They talk about it.

25 Q. How long does it take you with the majority
26 of ships from the sea buoy to dock, finish with engines?

27 A. From the sea buoy to the dock. The
28 longest it would take would be upwards of two hours in a
29 slow ship with a strong ebbtide flowing --- somewhere
30 around there. The other day I was two and a half hours by



1 ENGLISH:

2 the time you get off the ship. You have to anchor up well
3 and the Jacobs ladder over the side --- I have picked up a
4 small D.O.T. ship at the entrance and be alongside in
5 fifteen minutes. And at times I have taken minimum and
6 moved from one end to the other in ten minutes, so that is
7 being specific, movages and so on, we get both movages if
8 aboard and the captain requests a pilot which we recommend,
9 a maximum of approximately two hours and a minimum of
10 approximately fifteen minutes. Whereas, if you pick up
11 inside the Merry Rock buoy and ship moving through the
12 water and come up full ---

13 Q. And the majority of the ships take how
14 long?

15 A. The majority you can get in I would say,
16 about one and a half --- one hour and fifteen minutes. What
17 I mean here is we have to moor up and use three headlines
18 and back spring, tide has to be strong up here and use
19 five headlines plus anchor and put on the dock and three-
20 quarter inch wire strapped around and ships have broken
21 away from the dock.

22 Q. Because of the current?

23 A. Yes. It is a very strong current and
24 recommend five stern lines and also spring. These are
25 conditions, actually sometimes our time aboard may be as
26 much as three hours, because in the capacity of Port
27 Warden we stay aboard and inspect the holds of the ship
28 afterwards.

29 Q. Do I understand the current at the dock is
30 always going the same direction, upstream?



1 ENGLISH

2 A. On the ebbside it is flowing outwards
3 towards the coast. On a flood tide it is coming in slowly.
4 It cuts in and the surface water over it and get along the
5 dock and then get the way, but I would say approximately in
6 the vicinity, work on an average of two knots on flood tide
7 staying to the south and that is when we want, approximately
8 75% of the time we head up to come in and moor port side
9 to and two hours before high water we turn on the dock and
10 keep the bow in close and use a tugboat on the stern.

11 Q. You have sufficient space to turn the
12 ship?

13 A. That is another good question. Last year
14 we didn't have what we would call adequate space, because
15 ships are getting up to 575 feet long.

16 Q. We understand there was some dredging done?

17 A. There has been and the Port Engineer advises
18 us that the, it is up to about 725 feet off here, but you
19 must remember it is in the process of dredging program and
20 there are high spots. This hasn't been really surveyed by
21 the Hydrographic Survey and having in mind the short season
22 and it is 1,000 miles to the nearest repair spot.

23 Q. Leaving the dock you proceed ship made
24 fast port side to, do you have to wait for the tide to
25 turn around?

26 A. Yes. We like to leave approximately two
27 hours before high water. Then we are working with the
28 tide. The way we usually get off the dock after running
29 a good anchor chain we run a bar line quite a way from the
30 stem, three-quarters of the ship's length aft and untie



1 ENGLISH

2 from the starboard bow line and anchor up to spring line
3 and have a tugboat off starboard quarter and cast off aft,
4 and as the tugboat slowly pulls us off the dock ---

5 Q. Pulls the stern off?

6 A. Yes. We have this port ---- this long
7 light on port side of the windlass and heaves slowly away
8 on that, untie all headlines and come back in slowly to the
9 berth, because probably a ship on the other end. When we
10 get about at right angles to the dock here we come in here
11 having in mind and keeping in as close as possible because
12 of the mud banks in here, and usually have a little, small
13 tug, not much of a tug, but very good for this purpose.

14 Q. What is the name?

15 A. GEORGE KYDD, about 600 horsepower, good
16 little tug for this operation and put him on the bow and
17 have a tug on the stern and also on the bow and can swing
18 around very good. This is under good conditions.

19 I give my instructions what I want to do, moor-
20 ing lines, etcetera, and the wind was about 20, 25, 35
21 knots that day blowing south and I knew if I got crossways
22 here and lost the ship I could hit the other one. I wasn't
23 aware of the fact the mooring winch and stern usually have
24 wire from stern of the tugboat to pull us around and had
25 to use wire from the ship and give specific instructions
26 and gradually move along the dock.

27 Q. Moving south, stern first?

28 A. Yes, even though the wind was about 25,
29 35 miles per hour and current overcome that, because sub-
30 surface current, in here sometimes surface current would be



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2 running out, so this is very peculiar. These prevailing
3 conditions mean a lot on the tidal current and also the
4 fact it is in the process of being dredged. This is an
5 old chart, naturally, and a new one is out. This is your
6 new one.

7 Q. We had the same surprise as you have now,
8 Captain. It is not corrected up to date, although it is
9 supposed to be.

10 A. This is about the same as we have in the
11 office.

12 Q. Now, sir, do you have any anemometer in
13 your pilot office?

14 A. No, but we keep in contact with the
15 Meteorological Office and the area weather forecasts when I
16 say 25 to 35. I heard that morning the wind was supposed
17 to come up to that and I say so.

18 THE CHAIRMAN: We see from the charts and may
19 have the wrong impression that the entry of the river,
20 to the harbour, is rather narrow. The entry of the river,
21 and therefore it looks from the chart that the vessel
22 needed to be quite sheltered and it went up there.

23 THE WITNESS: This is true, sir, in this
24 respect. When you say sheltered from the wind ---

25 THE CHAIRMAN: Yes.

26 THE WITNESS: Really not so much from the wind,
27 but from the sea and swell conditions.

28 THE CHAIRMAN: Sea and swell conditions?

29 THE WITNESS: Yes. After you pass Merry Rock
30 buoy you lose that.



1 ENGLISH

2 Q. But when you look at contours on the map
3 it is rather flat.

4 A. Yes, but it doesn't have, really not much
5 of reducing wind velocity.

6 Q. Because it is too flat?

7 A. Yes.

8 THE CHAIRMAN: No cliffs?

9 THE WITNESS: Yes.

10 Q. Do you keep any statistics on the jobs you
11 had, number of jobs?

12 A. Yes, with regards to pilotage we have
13 pilotage source form, as you know, and if probably send
14 them --- we have put all in our behalf --- we have a
15 pilotage fund where we have to deposit, we collect our
16 fees right from the agent and have an account here actually
17 which is called Churchill Pilotage Fund and deposit it into
18 that, and if any other orders also a boat fee that comes
19 out of the pilotage and we used to pay directly to the
20 Harbours Board, but now the regulation is we also deposit
21 that with the Pilotage Fund and the Pilotage Authority in
22 Ottawa would distribute it equally to the pilots and also
23 to the National Harbours Board. We keep records in the
24 Harbour Board and they bill us for them and we have to
25 sign.

26 Q. So Ottawa would have records of all your
27 jobs here?

28 A. Definitely, yes.

29 Q. Do you often move a ship? Are you often
30 called upon to move a ship?



1 ENGLISH

2 A. Yes, on occasions we are. For instance, we
3 find that ships get up in the vicinity of five, six hundred
4 feet with the mud bank out here like it used to be and still
5 are finding silting conditions down here.

6 Q. You indicate ---

7 A. Around this tip down here, where cut-away.

8 Q. Would you indicate that in red, please, and
9 identify it with the letter "S".

10 A. I will have to take it across this area.
11 We have found out ---

12 Q. You are indicating Chart 5418 by red circle
13 with letter "S"?

14 A. There is 22 marked here, but here is low
15 water spring. We have checked this on the TOOLIN tugboat.
16 It seems to be very accurate.

17 Q. Were you here when the new aids to naviga-
18 tion were installed in the harbour? The new ranges and
19 light buoys?

20 A. No, I wasn't, sir. This happened prior to
21 my arrival. These buoys this year ---

22 Q. In the harbour?

23 A. These were laid down before I came in. I
24 didn't arrive here until the 20th of July this year, so
25 the Port Warden and the other fellow, he came in and was
26 more or less in conjunction with the port authorities,
27 National Harbours Board, they laid these down.

28 Q. He looks after the laying of navigational
29 aids?

30 A. Specifically, more or less that is one of
his duties.



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2 Q. What examination --- what sort of examina-
3 tions did you have to pass to obtain your licence the first
6 4 time you came up?

5 A. That is a good question. I guess I didn't
6 pass any examination.

7 Q. They gave you a licence?

8 A. They gave me a licence.

9 Q. On the strength of your previous experience?

10 A. Yes.

11 THE CHAIRMAN: Did you at the time inform them
12 you had made some trips in the harbour with the other
13 pilot?

14 THE WITNESS: No, I didn't even inform them of
15 that.

16 Q. Did you make those trips after you had your
17 licence?

18 A. I made those trips after I came here.

19 Q. After you had your licence?

20 A. Yes, the licence came, anyway I don't know
21 the date, but don't think it had anything to do in connec-
22 tion --- I think they assumed I was competent. They hired
23 me.

24 COMMISSIONER RENWICK: Was the position adver-
25 tised, or what was the contact between you and the Depart-
26 ment?

27 THE WITNESS: As I mentioned before, I had been
28 trying to get a position that would keep me on terra firma
29 and something like within the Civil Service and have a
30 permanent job and they knew I had been available for some



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2 time. As a matter of fact, I had written in several of
3 their competitions and just also made the highest mark, but
4 was ruled out for different things and residenceship was
5 one in the pilotage in Halifax, and I would think apparently
6 they must have had my record. I understand they delved
7 into my record with Imperial Oil. I was informed by
8 Ottawa, in case it was a case of two of us in Halifax had
9 to do all supervisory and pilotage jobs yourself and a
10 toss-up who would get it, and I didn't have residenceship
11 status and didn't have it --- I understand they delved
12 into my past history and I guess they found no bugs and was
13 hired on that strength.

14 But, as I say, it is an interesting job and so
15 on, and I think the remuneration for the pilotage --- I
16 think this could be improved --- if I have further to speak
17 on later unless you have some more questions.

18 Q. They pay your expenses coming up here?

19 A. If they didn't, it wouldn't be worthwhile.

20 Q. As Port Warden, or as Pilot?

21 A. I come under the Nautical Regulations
22 Branch, under Port Wardens actually. As Port Warden they
23 are the ones that handle that.

24 Q. When you were hired for the job, were you
25 hired at the same time as Port Warden and Pilot?

26 A. Yes, it was a duplex job.

27 Q. So they offered a package deal to you?

28 A. Yes, sir.

29 Q. Did they pay you subsistence allowance,
30 separation allowance?



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2 A. Yes, while here they supply room and food
3 and so on. I think \$150.00 a month, it cost them a month,
4 and very good food.

5 Q. Without being too inquisitive in asking
6 these, when they offered the deal to you they offered the
7 deal, I presume, on the basis of salary as Port Warden,
8 travel expenses, existence allowance and pilot jobs thrown
9 in with so much per ship?

10 A. Basically, yes. They mentioned the fact
11 their remuneration was for the previous year which at that
12 time was in the vicinity of \$4500.00 in their season.

13 Q. For a pilot?

14 A. Combined.

15 Q. Are you on fee basis as Port Warden?

16 A. No, we come under the Receiver General,
17 actually, but we are on basic salary, monthly. In other
18 words, I get \$450.00. That is relevant, is it?

19 THE CHAIRMAN: As Port Warden?

20 THE WITNESS: Yes.

21 Q. And on top of that you have your share of
22 the Pilotage?

23 A. Yes.

24 Q. The share you are doing?

25 A. Yes. We have no idea what it is. This is
26 one of these things, last year we had about 49 grain
27 vessels and four ocean tankers. This year it is going to
28 be somewhat less.

29 THE CHAIRMAN: It is decreasing?

30 THE WITNESS: And we will get the same fee if



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2 it is a 200-foot ship or 600-foot ship.

3 Q. If you have any comments to make, go ahead.

4 A. I think possibly, are you men rushed?

5 MR. JACQUES: No, it is all right.

6 THE WITNESS: We all have our little problems,
7 and I brought a few little ones along. As I mentioned
8 before, we submitted a number of, when I say "we", Capt.
9 Mundy and myself, when we left here last Fall which was
10 very late up in November up in Ottawa, we thought that the
11 fees charged for the pilotage left something to be
12 desired; in this respect, that the small ships were being
13 overcharged and the larger ships were being undercharged.
14 So, we worked out a scale we thought, basically worked out
15 on last year's shipping on the draft. This could be
16 worked out on tonnage, but as we had those figures, we
17 worked ~~draught~~ and submitted to Ottawa and worked on the
18 basis of \$2.50 a foot and \$3.00 and \$3.50 and also the
19 reason why we did this ---

20 MR. JACQUES: Would you have a copy of that
21 brief?

22 THE WITNESS: I have it here in pencil and if
23 you would just look at the prices of it. This is not
24 secret at all, but I think there is some correspondence
25 that goes along with it. I have some of the correspondence
26 I received back --- it comes from various departments.
27 This pencilled copy here worked out on shipping here. This
28 is proposed pilotage.

29 Q. Extend the proposed tariff in the left-
30 hand column for name of the ship for 1962 season; is that
correct?



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2 A. Yes.

3 Q. And then you have the arrival draught and
4 sailing draught in feet?

5 A. Yes.

6 Q. And pilotage dues per foot and I see you
7 have calculated dues \$2.50, \$3.00 and \$3.50 basis?

8 A. Yes.

9 Q. For purposes of comparing prices?

10 A. Yes. And that minimum that they should be
11 there \$2.50 and up, eh? This is comparable to what pilotage
12 charges were at other ports.

13 Q. A ship in, WARKWORTH, under the present
14 scale you would receive forty-five.

15 A. \$40.00 in and \$40.00 out, which would be
16 \$80.00.

17 Q. Yes; and with your new scale you would
18 receive how much, say, on the \$2.50 basis?

19 A. \$125.00.

20 Q. And on the \$3.00 basis?

21 A. \$150.00.

22 Q. And \$3.50 basis?

23 A. \$175.00.

24 Q. So on the \$3.50 basis it would nearly
25 double your fee?

26 A. Yes. But maybe I may add to that, our
27 suggestion was actually on a minimum of \$2.50 fee. After
28 all, we more or less have to look after our own interests.
29 We are only seasonal employment. We are not civil
30 servants and can't belong to any of their benefits.



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2 Q. You don't participate in the pension fund?

3 A. No.

4 THE CHAIRMAN: Do I understand you have sent a
5 brief like that to Ottawa last year?

6 THE WITNESS: Yes.

7 THE CHAIRMAN: So it is available there?

8 THE WITNESS: Yes.

9 THE CHAIRMAN: So we will see this file.

10 MR. JACQUES: Yes, my lord.

11 Q. Do you get free medical care while up here?

12 A. I come under Workmen's Compensation is all
13 I do come under in case of injury.

14 Q. Manitoba Workmen's Compensation?

15 A. Correct.

16 Q. Now, you wanted to give excerpts from
17 correspondence?

18 A. Yes, possibly I should. In comparing this
19 we had a reply, it was stated and possibly it would be in
20 my interests and you would see the copies.. You could get
21 it in Ottawa.

22 MR. JACQUES: Would you, if you can, give the
23 date of the letter, by whom it was written, file number,
24 and we can trace it in Ottawa?

25 THE WITNESS: All right. The date, file number
26 85008 - 37 (CNP), underneath is 7606-C-No. 3 from Ottawa.

27 Q. What date?

28 A. May 13th, 1963.

29 In regards to this proposal, they sent this, it
30 was submitted to Branch Personnel Office and the Personnel



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2 Organization Division in Ottawa for their advice. They
3 mentioned the fact that because we were on a dual job as
4 Port Wardens and also as Pilots it is more or less regarded
5 as part-time work. In other words, just on the fact we
6 were, it wasn't possible to do the two jobs at once. In
7 other words, even though we are on call from two or three
8 o'clock in the morning this time of year until ten o'clock
9 at night --- we used to be but if necessary we do night
10 pilotage, they thought that the remuneration monthly in
11 the year of \$1,400.00 or \$1,500.00, they thought this
12 compared very favourably with pilots at Port Severn and
13 Sarnia.

14 Q. Do you get \$1,400.00 to \$1,500.00 a month
15 in here from pilotage?

16 A. Not from pilotage, no. Last year we had
17 three months season and we got approximately something a
18 little better than \$3,500.00 from pilotage alone, and on
19 top of that, our monthly salary.

20 Q. \$3,500.00 for the season?

21 A. For the pilotage fees. So they based it
22 on that. They mentioned the fact it is a very short season
23 and took into consideration seasonal employment too and
24 compared us with work of Beachmasters and Northern
25 Operation, which has to do with Dew Line safety and think
26 that our remuneration was sufficient under these conditions
27 in this particular work; we must remember we are on a
28 seasonal basis and if we leave here, as far as pilotage is
29 concerned, and as far as the Department is concerned, we
30 had been --- being in a country where the weather conditions



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2 are extreme you know what employment is, we have to make
3 in that season --- that has to be what we make for a year.
4 There is nothing, no retainer in the winter time. It has
5 become an accepted practice, National Harbours Board and
6 other organizations today to have a retainer to keep you
7 on if you want permanent employees or men you think
8 capable of handling jobs to come back another year you pay
9 a retaining fee.

10 Q. Would you agree to be a pilot on a monthly
11 salary, paid twelve months a year?

12 A. I would say possibly yes, because of the
13 facts here. Put it this way: Personally speaking, last
14 year about 49 deep-sea ships and coastal tankers and we got
15 a fee for them and this year it is dropped down. It is
16 going to be maybe 44 ships, and don't know how many coastal
17 ships, but a lot less than last year.

18 If we get paid on a monthly basis, it should be
19 connected --- naturally we probably would be --- for this
20 particular port. I think probably be the best method.
21 The other pilotage authorities and districts, they have no
22 ice, but speaking here, because of the uncertainty here.
23 This year some ships have come in with serious ice damage
24 and so on, and don't know insurance rates are going up
25 next year too. They had quite a struggle getting through
26 Bay ice. We can't depend on anything. If we could be
27 guaranteed probably a straight monthly salary, and so on,
28 it would make it worthwhile.

29 Another thing here, I am going back --- am I
30 still allowed to speak? I think everybody has little



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2 problems.

3 MR. JACQUES: We are here to listen.

4 THE WITNESS: Sometimes it is nice to get a
5 listening audience. Here in the Churchill Pilotage District

6 we fall under The Canada Shipping Act. Naturally some
7 of these --- particularly the limited qualifications for
8 licensing pilots they mention a fact here about age limit,
9 25 years of age, hold a certificate of master home trade
10 or second mate, foreign-going steamships. Personally, if I
11 had been master of a vessel coming across the North
12 Atlantic and somebody just got his --- a young fellow with-
13 out any experience whatsoever in handling a ship --- and
14 had a second mate's qualifications, came aboard to take my
15 ship in, I would be somewhat anxious. I figure the
16 standards should be somewhat increased, be no minimum of
17 that, but probably master, home trade steamship, not
18 limited as to tonnage with also a couple of years in
19 command too. It makes a lot of difference. Then, it would
20 seem that for instance if neither of us should think ---
21 or if something that would be more suitable in our line
22 of work --- there is always somebody else possibly avail-
23 able for these jobs with minimum qualifications like this,
24 and that seems to be the tendency. I should say there is
25 an abundance of licensed personnel that would come and take
26 these jobs. I should also like to add that prior to ---
27 when it was only one pilot who done the two jobs, I don't
28 know how he did it, it was impossible to do it correctly,
29 but in the same season covering work, whether it is
30 remuneration, was in the vicinity of between eight and ten



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9 2 thousand dollars per season. Then these fees had been
3 \$50.00. As far as we are concerned \$50.00 a trip. Then
4 for some reason or other, was dropped to \$40.00. We don't
5 know why. He was still here, but you must remember this
6 is a very good salary for three months' work. I think he
7 done very well. And he is not here now and that is
8 probably why two men had to split it. Today they have the
9 services of two qualified men and you, Mr. Jacques, realize
10 it takes a number of years to get your qualifications in
11 this job, and should be recognized as professional men.

12 I really think sometimes it leaves something to
13 be desired. I don't want you to think we are going to
14 leave the Port of Churchill, but along those lines, any
15 proposed pilotage if we should get something in the line
16 of what we suggest in our proposal --- we weren't asking
17 for the moon, just something --- our rights in comparing
18 with other pilotage districts. I don't think there is any-
19 thing more on that I can add.

20 Q. Has it ever happened that there were cases
21 of a pilot being inebriated?

22 A. Not here. No, no. Right in this port
23 here?

24 Q. Yes?

25 A. No.

26 Q. Do you do piloting elsewhere? Do you do
27 it in Winiski?

28 A. Myself?

29 Q. Yes?

30 A. No. But I do pilot in Tuktoyaktuk Harbour,



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2 and you had to do your own putting ship in drydock and
3 so on, you had only a few feet clearance.

4 Q. The Churchill Pilots are not requested by
5 shipowners to take their ships elsewhere here? To other
6 places or do, are your services requested by shipowners to
7 take their ships in the various harbours?

8 A. As a coast pilot?

9 Q. Yes?

10 A. No, just local area.

11 Q. What is the maximum number of jobs that
12 you have done last year in one day?

13 A. Let me say, we sailed three ships and
14 brought three in, that is six. Seven is the maximum.

15 Q. That each of you have done?

16 A. Between two of us, I handle the four and
17 he handled three in the rush of season when thirteen or
18 fourteen ships out here, and some had to wait two weeks.
19 It is usually a ship a day they can load facilities of
20 the grain elevator.

21 COMMISSIONER RENWICK: And what is the capacity
22 of that elevator?

23 THE WITNESS: Five million bushel. We had three

24 THE CHAIRMAN:
24 ships at the berth. I understand they can load three
25 ships at the same time.

26 Q. Three ships and two waiting berths?

27 A. That is a good point. You could load
28 probably three ships, because you have three berths, but
29 what they usually do is put it aboard as fast as they can
30 on one ship. Try to have a ship to sail one a day and take



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2 them out and bring them in that day, but you could load
3 three if you want, but the work would be distributed over
4 a three-day period.

5 THE CHAIRMAN: There is only one conveyor for
6 three?

7 THE WITNESS: I wouldn't want to be quoted on
8 the mechanical operation, but three ships can be loaded,
9 but have to wait for three days for them to sail.

10 Q. It will take three times as long?

11 A. Exactly, sir.

12 Q. On the average, how many pilotage trips do
13 you do each?

14 A. Basically it only works out probably to,
15 over the season, I think 83 pilotages, taking movages to
16 last year in about so many days. On a good season
17 approximately one a day.

18 Q. Would you do approximately a job a day, or
19 days you have four jobs and nothing to do for four days?

20 A. Oh, could be. That is the reason we can't
21 really just count on anything up in this particular area,
22 but worked out basically one trip per day, either a ship
23 sailing or arriving.

24 Q. Have you any comments to make as regards
25 aids to navigation in the harbour?

26 A. The aids in this particular area, they are
27 very good. I would say except on one of the most important
28 turns on the river the first buoy where you make, second
29 buoy shown on the Chart 5418, black spar buoy, these are
30 all changed to flashing and you have them marked on here.



1 This is one of the most important turns in the river and
2 that has no light on there now. It is the flat type as
3 used in the St. Lawrence system. These have been proven
4 very much. They may have in the St. Lawrence, but current
5 is that strong, you know the type, float with framework on
6 it and light on the top, adjustment on the bottom and
7 chain. To give you an idea those go right under.

8 Q. I didn't hear what you said?

9 A. They will be pulled right under the water.

10 THE CHAIRMAN: By the current?

11 THE WITNESS: Yes. And you may see a place
12 where they should be and water making ripples about it.

13 Q. Not enough buoyancy?

14 A. Not suited for here. We had spar type last
15 year. During the summer months, 20 hours of daylight
16 no inconvenience. It isn't really inconvenience even in
17 darkness. By later in the season - we had old type spar
18 buoys but now new flashing buoys, flat type. We are expected
19 to handle ships in the night time. It is up to us to make
20 conditions. If conditions are favourable we will, but
21 that corner, which is the most important corner, we have
22 no light actually so couldn't use that. We should have a
23 mark there.

24 Q. Did you make any request this buoy be
25 changed?

26 A. I really believe it is being considered,
27 but it doesn't have a framework mounted on it at the
28 present time. I suppose they will eventually get around
29
30



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2 to it, and also scows coming out we find first starboard
3 on the bow or the channel is out of position and have
4 ranges and if we can see them we are all set, but if
5 possibly difficulties where you can't see the ranges, we
6 like to see the buoys.

7 This gives a better indication of how the ship
8 is moving. It seems all the currents have been changed
9 this year, but to say how they are and which direction it
10 is pretty hard to say that.

11 Q. Do you get full cooperation from the
12 National Harbours Board Authority as regards information as
13 depths of water and dredging they do?

14 A. Yes, we have been advised on these depths,
15 but really not as good as we could be. It seems to be an
16 effort of information what depth is really there as I
17 mentioned the other day, we should have 30 --- 31 feet of
18 water. Capt. Mundy will probably give this testimony.

19 This 10,000 horsepower ship drawing 27 feet of
20 water started to hug the bottom in that area. We think it
10 21 is silting up. We think possibly this has to be constantly
sounded.

22 Q. We heard about that this morning from the
23 Engineer.

24 A. Off the dock we hope everything is satis-
25 factory. We know we are taking it in good faith the
26 information we are given is accurate until we find out
27 differently, and we have had pretty good, we have no
28 difficulties really, but sometimes there is that feeling as
29 though we are not sure what is underneath, so because of
30 the fact of the dredging program and strong tides and



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2 silting conditions and change of tides it should be built
3 up when you haven't taken soundings. As far as the Port
4 Authorities here we get very good --- I think it is ---
5 the way it operates here all the, with the agents and so on,
6 National Harbours Board and stevedores --- it's one big
7 happy family and we have no trouble much in that respect.
8 It is a seasonal job and everybody is out to get the job
9 done as quick as possible.

10 THE CHAIRMAN: What is your time as Port
11 Warden? You say at the time employed here --- what date
12 to what date?

13 THE WITNESS: I left on July 15th. So I would
14 be on salary then as Port Warden from that date until I
15 arrived back which is some time the latter part of October.
16 As Port Warden.

17 Q. One other question. With regard to this
18 pilotage --- You arrange that among yourselves?

19 A. We do. I am glad you brought that up, sir.
20 We don't have the best of communication system here. In
21 other words, it leaves a lot to be desired. We complained
22 about this last year; not only us, but the ice information
23 and agents can see we have had some difficulty in
24 communications systems back and forth between shore
25 authorities and the ships. Apparently when we were told
26 these messages put on the teletype you are supposed to do,
27 there was a misunderstanding last year. You can't call
28 them in now --- you have to put a teletype and by the
29 time it gets to the ship and back, the ship may be within
30 a few hours and revised E.T.A. and new orders, which takes



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2 up maybe four hours which we think ships equipped with
3 radio-telephones were they on the original marine band
4 and I think they used land line telephone system would be
5 hooked in to talk direct and a lot of your problems you
6 can solve much better. Apparently it has to come through
7 C.N. Telegram and to Winnipeg and out to the ship. This
8 is what I understand, so don't quote me.

9 Q. How long would it take normally to receive
10 an answer to a message?

11 A. A captain sent a message and he would know,
12 I think it took 24 hours to get a reply.

13 Q. How about a radio-telephone?

14 A. That is what they should really have in
15 these ships, but foreign-going ships, Canadian Department
16 of Transport ice-breakers and Government supply ships have
17 this, but to get a message to them we still go through ice
18 information officer who directs operation of the ice-
19 breakers has run into this situation too, and apparently
20 there is double system up there that I understand it
21 wasn't working last year, although I did get through to
22 the little D.O.T. vessel once.

23 THE CHAIRMAN: The National Harbours Board
24 have a V.H.F. system, do they?

25 THE WITNESS: The only way we can overcome this
26 to a certain extent is come from where we live, come down
27 and use the radio-telephone that is aboard the tug.
28 We should be able to tune in from our own room or office
29 right into the marine frequency and communicate back and
30 forth.



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2 MR. JACQUES: We might take the opportunity to-
3 day to visit the radio station which is just across the
4 street.

5 THE CHAIRMAN: Now, you mentioned some pilotage
6 at night wasn't done --- your nights at the end of July
7 are really not nights, it is only at the end of the season?

8 THE WITNESS: Just towards the end of the season.
9 Right now it is twilight and in other words, it hasn't
10 been any help to put shipping to work within limits of
11 daylight hours right now, but conditions are suitable and
12 lights are on the buoys and so on.

13 THE CHAIRMAN: This is coming?

14 THE WITNESS: Coming. This year we did night-
15 time pilotage. Lots of times after sunset, twilight, we
16 have brought ships in and taken them out. Actually, there
17 is an extra fee for that.

18 THE CHAIRMAN: Even before you had all those
19 lights on buoys?

20 THE WITNESS: Yes, before those.

21 Q. Did you have any light rays?

22 A. Just one, approach harbour on 236 course
23 coming in.

24 Q. But no others?

25 A. No. They have these ranges up here.

26 Q. Now they are there?

27 A. Yes.

28 Q. So at the end of the season it will be a
29 great help to you to night work?

30 A. Yes, but most important buoy is not lighted,



1 ENGLISH

2 and no arrangement for one, but I hope they will put a
3 light on the corner of this one. It is the most important.

4 Q. Used to be black spar buoy?

5 A. Yes.

6 THE CHAIRMAN: In front of Merry Rock?

7 THE WITNESS: No, first black buoy, five and
8 three we have approximately coming out there something
9 like about 70 degrees alteration of course to make around
10 that buoy. This is among the most important ones.

11 Q. You told us you worked with tugs for
12 berthing ships, docking ships. Do you use radio communica-
13 tion when it is available, because I understand on board
14 the tugs there are radio sets?

15 A. There is a marine radio.

16 Q. On all tugs?

17 A. Yes, they --- No, not for marine band.
18 Just one, TOOLIN. The other one is pre-set frequency only
19 between boats.

20 Q. Do you use that means of communication when
21 giving orders?

22 A. For between pilots and tugboats?

23 Q. Yes?

24 A. No, signal and whistle.

25 Q. Whistle of the ship?

26 A. Yes, and hand signals and we also use mega-
27 phones, some of these power types.

28 Q. And it works well?

29 A. Yes.

30 MR. JACQUES: Anything else?



1 ENGLISH

2 THE WITNESS: We have radio for tug to tug. This
3 could be very good. It is an integral part of organization
4 of pilotage, communication especially with new systems
5 now.

6

7 --WHEREUPON the Hearing adjourned at 12:15 p.m. to resume
8 at 1:30 p.m.

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1 ENGLISH

2 CECIL HENRY RICHARD MUNDAY, sworn:

3
4 DIRECT EXAMINATION BY MR. JACQUES:

5
6 Q. I believe you stated your name and age
7 to the young lady?

8 A. 55 years old.

9 Q. And how long have you been a pilot here?

10 A. Here, oh, I don't know --- I was in in
11 1951-2, and then came up again in 1961-2 and again this
12 season.

13 Q. And 1963. In fact, this is the fifth
14 season?

15 A. Yes.

16 Q. Prior to becoming a pilot, did you have
17 any sea experience?

18 A. Yes. Ocean-going, foreign-going, since
19 I was fifteen.

20 Q. Do you hold a master's certificate?

21 A. Foreign-going certificate.

22 Q. When was it granted?

23 A. Oh, 1942.

24 Q. And where was it granted?

25 A. In London, England!

26 Q. Did you sail in command of vessels?

27 A. Yes, after the war.

28 Q. For how many years?

29 A. About four.

30 Q. Where did you trade as master?



1 ENGLISH

2 A. North Atlantic into Newfoundland and
3 some of the small ports down in Nova Scotia coast.

4 Q. And how did you happen to find this
5 job here in Churchill first?

6 A. I originally was in Ottawa looking for
7 work and it was about five years here and Capt. Kerr was
8 Supervisor of Nautical Services and said they wanted a
9 deputy and I came in 1951.

10 Q. Deputy Port Warden?

11 A. Yes. But I used to assist the tug-boat
12 master with piloting when the work got heavy. He was a
13 man getting on in years. That is the man that retired last
14 year.

15 Q. When you came here first, did you serve
16 any kind of apprenticeship before you took a ship out?

17 A. No. I went on board two ships with him.

18 Q. With the old docking master?

19 A. With the pilot, Pence.

20 Q. And that is the only apprenticeship you
21 served?

22 A. Up here, yes.

23 Q. I believe you were here when various
24 buoys were laid in the Spring?

25 A. Yes.

26 Q. Or Summer?

27 A. Yes.

28 Q. Would you tell us how they proceed?

29 A. That is generally done by Mr. Lauzon
30 covering duties of Port Engineer and I assist him.



Munday, d.x. 6667
(Jacques)

1 ENGLISH

2 These buoys are laid out by predetermined
3 angles which you obtain by sextant.

4 Q. Does he have a buoy tender?

5 A. Yes. He comes with two men and drop
6 marks where we want them placed and the tug follows and
7 maybe an hour later when he has two buoys on board and the
8 buoys are put where the marks are and they lift it clear
9 and positions are checked again.

10 Q. During the season, do you check whether
11 the buoys maintain their position?

12 A. Once we put them down, there may be
13 cause to check, but we generally find they are okay, unless
14 anything moved during the night and we spot it right away
15 from the wharf. There has been occasions when the lights
16 have gone out on them.

17 Q. Yes?

18 A. And have had to have men go and get the
19 light on. They had last year trouble with range lights,
20 it is four and a half miles from the entrance.

21 Q. We were told various buoys in the
22 harbour used to be spar buoys?

23 A. Right.

24 Q. When they were changed over from spar
25 buoys to lighted buoys?

26 A. Not all lighted even now. This one is --
27 one of the new type buoys with the tower on it. These
28 metal or steel buoys you have seen on the Seaway with the
29 tower about three feet high and light on it. This one
30 flat part is shaped like the hull of the ship pointed at



Munday, d.x. 6668
(Jacques)

1 ENGLISH

2 one end so the buoy is riding the ebb or floodtide. And
3 this one in this corner ---

4 Q. If you wish, we will mark it with the
5 letter "A" on Chart 5418. Otherwise we don't know which
6 one you are speaking about.

7 A. This one has no light on it so that if
8 you were looking to make that corner at night that is the
9 most important buoy in the fairway coming in or going out.
10 You make a 95 or 98 degree turn there and it is too risky
11 to start altering course. You don't assume this to be
12 there or not, so you don't do the job. The most important
13 thing up here is you are at least 1,000 miles away from
14 the closest drydock, at least 1,000 miles from major
15 repair depot, and you can't afford to take risks. If you
16 do, and the ship goes ashore and the bottom is pierced
17 the only one thing to do and that is cut one half tank
18 tops --- that happened some twenty-odd years ago with a
19 ship, she went out and couldn't make the turn and finished
20 on these rocks here.

21 Q. Place indicated by the letter "X" in
22 red?

23 A. That is right. And had to go on tank
24 tops, because they had a little bit of spot welding here --
25 that is about all, and they can block leaks temporarily,
26 but major job like the vessel going aground and the bottom
27 pierced is out of the question and that is one thing to
28 keep in mind. Capt. Kerr was most emphatic when up here
29 you have to realize you are 1,000 miles from drydock and
30 can't take chances.



Munday, d.x. 6669
(Jacques)

1 ENGLISH

2 Q. Coming back to this buoy marked by
3 letter "A" on Chart 5418, of course you would need a
4 lighted buoy only during the darkness?

5 A. That is right. But even today, this
6 morning there is a rip of water running through there.

7 Q. The entrance?

8 A. On this angle a tide rip at certain
9 stages of the tide.

10 Q. Indicated by a wavy red line?

11 A. And these here you can hardly pick it
12 up unless you have binoculars and take a steady look to
13 pick up out of the water. It is not very high out of the
14 water.

15 Q. Have you mentioned that to the Port
16 Manager?

17 A. Yes, but there is nothing much they can
18 do, but take it out and put spar buoy back.

19 It was originally intended it was a lighted
20 buoy and about ten days ago a wind from the south-east
21 blowing back into the harbour and one of the big tankers
22 fowled this particular buoy and dragged it under the water,
23 and took the frame off and he hasn't any more lights or
24 frames to replace it and the only other thing is put the
25 spar buoy back.

26 I think over the years they found no night
27 traffic in this harbour and the spar buoys were preferable
28 to any other type, they are round, long, and not affected
29 by ice. They go under, but bob up again. They never
30 completely disappear and with Spring tide they get drawn



Munday, d.x. 6670
(Jacques)

1 ENGLISH

2 under and may be only a foot out of water. This type now
3 we had a lot of trouble with this red one at this corner.
4 Many mornings you get up and he had danced his way to the
5 north shore.

6 Q. Indicated with letter "B".

7 A. And of course they don't get a long
8 enough scope of chain. An ebbtide and Spring goes from
9 four and a half to five and a half knots with south-west,
10 wind of south-west can get up to six and a half to seven
11 knots.

12 Q. And what happens to the buoys?

13 A. Spar buoys we found they maintained
14 their position, but this young man now as Port Engineer had
15 seen these buoys and worked with them on the Seaway and
16 he feels they are very good up here.

17 THE CHAIRMAN: But in a current of that velo-
18 city, it goes under, I suppose?

19 THE WITNESS: No. This type of buoy have a
20 steel bar across the after side. If a bar welded across
21 the top is heavy enough to keep the head raised you are
22 fine. They ride a flood or ebbtide. But if you don't get
23 weight on the after end to compensate, it is possible they
24 can be overridden with the Spring tide.

25 THE CHAIRMAN: Have you seen that happen?

26 THE WITNESS: Seen these fellows high out of
27 the water with water running aboard under the rail.

28 THE CHAIRMAN: So don't see much?

29 THE WITNESS: Not in this respect. If the
30 weather conditions are fine and not too strong a tide;



Munday, d.x. 6671
(Jacques)

1 ENGLISH

2 if you are going to move ships during twilight hours or
3 nighttime you have to have the type of buoys that maintain
4 light all of the time, but can't have a light on a spar
5 buoy. They are daylight marks. That is what has been
6 used since Churchill has been Churchill. Never any night
7 movements or twilight movements until the last four or five
8 years and introduced twilight pilotage and the fee
9 increased to \$90.00 --- \$65.00 for the pilot and \$25.00 for
10 the use of the pilot boat.

11 You can take ships away if you have the channel
12 light, but once again if any chance of this operation with
13 low lying moisture.

14 Q. The entrance?

15 A. Yes. It is very low here and clear
16 here and clear here and may have fog patches eight or nine
17 miles away you can see and may be clear and over here a
18 mist hanging over a ship and a ship here wouldn't see a
19 ship here.

20 THE CHAIRMAN: Clear all over except the mouth
21 of the harbour?

22 THE WITNESS: Sometimes, in which case you
23 can't use radar, because the proximity of the land is such
24 that on a radar screen all you get is a mass of rocks.
25 You can't pick out anything. The buoys don't show up. You
26 are all right on these marks up to here, but as soon as
27 you pass here everything goes all mixed up and can't even
28 pick buoys up.

29 Q. Capt. Wagner has told us about the
30 tugboat used as a pilot boat and his contention was that



Munday, d.x. 6672
(Jacques)

1 ENGLISH

2 she was not as fit as she could be for that work. Would
3 you agree with that?

4 A. Yes. It was me that sent the letter in
5 last year suggesting the matter should be looked into. We
6 felt that, after using the GRAHAM BELL, the old tug that is
7 now laid up, for some 30 years she had been doing harbour
8 tug work and pilot tender, but this new tug is very, very
9 difficult trying to get on board ships. She rolls and
10 there is nothing you can do about it. The trouble apparently
11 is the decision to build this tug was taken on but the
12 shipyard --- it was the shipyard designer up last year
13 after the tug came up and we had this trouble. He said a
14 deep-sea towing tug with qualities of a fire boat and air-
15 sea rescue vessel all combined into one type of vessel.

16 But, no one had mentioned it had to carry out the duties
17 of a pilot tender. And no one mentioned the shallow water
18 where vessels anchor outside and the difficulties you have
19 with a very strong breeze. Nobody says these things at
20 all, so you have got a very nice tug for deep-sea towing
21 and good salvage tug. No room on board to put any ballast.
22 All available space is taken up with pipes and machinery.
23 If it had been built with less top hanger and maybe a bit
24 more draught it may have been a steadier vessel coming
25 alongside ships, but for example last year Capt. Wagner
26 went out and over an hour getting him off one ship. And
27 seen him going up the ladder and we have been relying ---
28 she is much slower coming over, but on the outer edge of
29 the pilot house of the tug has steel visor and only seen,
30 only that much of Wagner's back.



Munday, d.x. 6673
(Jacques)

1 ENGLISH

2 Q. Indicating about a foot?

3 A. A foot to eighteen inches off it. It
4 was kind of concerning, because there was nothing he could
5 do to stop it. I went myself to bring it in and the ship
6 was lying at anchor and had been delayed for 24 hours with
7 a north-east gale. Those people couldn't understand we
8 couldn't get the ship in. She naturally rolled us off the
9 bow edge and had to get the Captain to turn it around.
10 Couldn't get only one hundred feet --- it was running to
11 and smashed the dock to pieces. I said I will come back
12 this afternoon and I went out the same afternoon and hove
13 anchor and turned around and tried to come alongside and
14 it was touch and go and had to grab the ladder and get out
15 quick before she turned in. When this tug came out, the
16 bulwark built along the deck is three feet high and it is
17 pretty high and top edge is really circular pipe rail,
18 cylindrical pipe rail all the way around, and you have one
19 flat surface like this table with non-skid surface cut this
20 way and that, so your feet don't slip.

21 This tug arrives and has circular pipe rail
22 right around the top edge and bulwark plate and this is
23 what we have to step on to get to the ship's pilot ladder.

24 Q. Didn't they improve it?

25 A. They did before I went out last year.
26 This is one thing I mentioned in the letter.

27 Q. To whom and when was the letter written?

28 A. To Capt. Sloccombe, Supervisor of
29 Nautical Services. He is my Supervisor in Ottawa. I
30 pointed out that the vessel was very tender, very unsteady



Munday, d.x. 6674
(Jacques)

1 ENGLISH

2 vessel. Piloting with the old GRAHAM BELL it was much
3 heavier built vessel and when you put her alongside the
4 ladder she would move, but let you get up. The difference
5 between the two tugs, GRAHAM BELL is largely --- her hull
6 is very flat and she sits on the mud when the tide goes
7 out. This new one has a long "V", and you haven't got
8 flatness of hull below the water line and as she stuck up
9 so high above water she rolled.

10 Q. What about crews of these tugs? Do you
11 find that from your point of view, as a pilot, that they
12 are efficient?

13 A. No. You have to lick them into shape.
14 You have to tell them what to do and watch out. For
15 instance, as far as the pilot ladder is concerned, you
16 have to explain when coming in if held little too low, you
17 can't shout out and wait for the ship's crew to haul the
18 ladder up. You have at one time to get in alongside and
19 all the rest of the time to untie. You have to make
20 certain that the steps of your ladder are not going to get
21 caught by anything obstructive on the tug, because if the
22 pilot has left and going up and the tug is rolling and the
23 pilot ladder catches up an obstruction or something in the
24 bulwark plate or railing and the pilot halfway up and tugs
25 either way she can pull the whole lot down, pilot as well.
26 These are the things you have got to explain to these
27 people because they are not really sailors.

28 Q. What about the master?

29 A. The master is very good.

30 Q. What about when you use the tug for



1 handling ships alongside -- docking and undocking? Do
2 you find them co-operative?

3 A. Yes, very co-operative, but like a
4 lot of new things when they first come out they have to
5 be run in. This tug, they had trouble with both motors
6 last year. Many a time I have brought a ship in and
7 wanted them to lay alongside the dock and wanted them to
8 come in at right angles to hold on and haven't had power
9 on one motor and couldn't come up and I had to do without.
10 This has been pointed out to the Harbour Board, because
11 they are charging the ship for the use of the tugs. I
12 think it will take time to run the engine in and make
13 adjustments necessary and I guess when run in she will
14 be a good tug, but no good as a pilot tender.

15 Q. We have heard from Captain Wagner
16 you had difficulties in communications here as far as
17 pilots are concerned?

18 A. Yes.

19 Q. Would you care to make your views known
20 on that subject?

21 A. This radio station, this marine radio
22 station they have situated just across the road, they handle
23 all traffic -- I don't know whether a lot of the young
24 men are seasonal operators or busy or not but I find that
25 for example, the other day a ship was about 50 miles
26 away, 60 from Churchill, inward bound, and I sent a message
27 wanting to know his E.T.A. at buoy and I was three and one
28 half hours waiting for an answer back. I am not used
29 to that. If I want a message it goes and I want the answer
30 because it is my job as Port Warden and No. 1 pilot I have



1 to warn the tug and stevedors; I want line men for mooring
2 the ship and find out what berths to be in. Sometimes the
3 agent can give you this information. Sometimes they don't
4 know it themselves.

5 Q. Is that a situation which developed
6 recently?

7 A. Well, I wouldn't say recently. Last
8 year I had been sending messages on the telephone to ships
9 from the radio station and they were taking them and
10 signing myself Port Warden. There was one evening I had
11 been sending messages in the morning and one evening went
12 back and said I sent a message just after lunch for a
13 particular ship's E.T.A., what time we are going to board
14 and I have had no answer yet. Have you a record? They
15 said we don't keep a record of any messages and I said
16 somebody should and they said we don't keep records at
17 all so I had a quiet talk with the Port Manager and said,
18 "Wilson, I don't understand this. I have been sending
19 dozens of messages over the telephone through V.A.P.
20 and they inform me they haven't any past records", and drew
21 his attention to this especially and I haven't heard and
22 they say they haven't seen a message so it would appear
23 that I don't know whether they called him up or came to
24 see them but the sum total of the little talk he had was
25 they would prefer messages sent through the teletype
26 machine from the National Harbours Board office and they
27 just sit and tear the messages off.

28 Many times a message has come through at
29 night and I am in my room about a mile away from the dock
30 and if it is after ten o'clock at night I have to get up



1 and dress and go to the National Harbours Board office.
2 After ten o'clock nobody is in the office. Everything is
3 closed up. So, how are you going to get in the teletype
4 machine and run off a message or V.A.P.?

5 Q. What is that?

6 A. Call of that station. How are you
7 going to get a message away when the Harbour Board's offices
8 are closed and manys a time I am on a survey and haven't
9 time to break off. It is much more convenient for us to
10 grab telephone and call and as long as you say you are
11 the Port Warden they should be informed, but many
12 occasions a different man on the telephone each time you
13 call with the message and secondly if when they do get
14 these messages and you are waiting for an answer back
15 you call and they say no, haven't seen a message like that.
16 Three or four hours later you get a ring from the
17 Canadian National Telegraphs at the station and he gives
18 you the answer and you say how have you come into the
19 picture. This was supposed to be sent by marine radio
20 station and he says they don't know the routine. They
21 have been sending them via Winnipeg. That is the usual
22 circle. All messages if they don't think they are import-
23 ant, they get sent to Winnipeg and comes from there to
24 here and I said, "What goes on around here", and you
25 can lose three or four hours and the other day I asked
26 about something and it took three and a half hours to get
27 an answer and got it from C.N.R. at the station. He
28 said they may have got it and called and found you were
29 out and I said they can give it to the National Harbours
30 Board. I have two telephones, one in the office and one



1 in the room -- both the same number. The one is an ex-
2 tention off the office and if they can't get me they can
3 get Wagner.

4 THE CHAIRMAN: They could call him?

5 THE WITNESS: They don't have the
6 attitude that if -- if the ship is arriving you have to get
7 that information right away, no use thinking it is not
8 important and doesn't matter, it does, because here you
9 probably are arriving to start at six o'clock to pour
10 grain and if the ship is coming to the buoy at four you
11 have to arrange to get there and back. If it is not four --
12 four in the morning but don't know this until you get
13 the answer. Look at the time you lose and arrangements
14 you can't make because of lateness in getting answers.

15 This morning when I came at quarter to eight
16 I talked to Mr. Fahie. He is the officer in charge of
17 this station. He has been away for a month's vacation.
18 He was due back to-day and Wilson, the Port Manager, said
19 he would have a talk to him to find out what was going
20 on and why we were waiting so long for answers to come
21 to messages we have been sending to ships and why it
22 should come through C.N. Telegraphs.

23 Last year when this cropped up, Wilson did
24 write a letter and stated it would be quite easy for me to
25 get answers back -- they can come back via National Harbours
26 Board office on the teletype. But, there is only someone
27 in the office up to five o'clock. After that they have
28 to ring me and if I am out getting a ship in or sailing,
29 who are they going to call? If they don't get me and
30 Wagner is taking one in and I am going out or you have



Munday, d.ex.
(Jacques)

6678

1 to be on a ship doing a grain inspection and I say there
2 isn't anybody in your office after five o'clock. And he
3 said when the season is started and on overtime, there will
4 be somebody in the office until ten o'clock at night but
5 messages that come through in the middle of the night,
6 and if they don't ring my telephone number to tell me,
7 they have to tell the agent and ring the Port Manager at
8 his own residence.

9 Q. What about the agents here, shipping
10 agents? Do you know them?

11 A. Oh, yes. The two ships up from Montreal
12 Shipping this year I have never -- Captain Lewis I under-
13 stand was up before Captain Cusher last year for three
14 or four seasons from Montreal Shipping. They handle just
15 about all ships.

16 There is March Shipping, they have one or
17 two during the season but the man for them arrives a few
18 days before their ships start coming in and as soon as
19 he is finished and they have nothing more for the season
20 he pushes off. Montreal Shipping handle the bulk of
21 the work.

22 Q. What about Montreal Shipping, have they
23 voiced any complaints on pilotage here?

24 A. No, not to my knowledge.

25 Q. Delays in bringing ships alongside?

26 A. No, but before they had the Churchill
27 Clause -- the Churchill Clause was attached to ships coming
28 to Churchill which allowed them to be accepted. In
29 other words, they were accepted and notice to load grain
30 would drop anchor would drop anchor at Churchill anchorage



1 even before -- drop anchor at time of arrival and be accepted,
2 ready for loading grain and be inspected when we get them
3 alongside the wharf.

4 Prior to that when these ships were arriving
5 two and three a day and had four or five ships at the wharf
6 it meant the Port Warden or Deputy had to go out on the
7 tug and you had to inspect the hulls of the ships so they
8 could be accepted here in Churchill and grain ordered for
9 them and couldn't do that until our certificate was on
10 their desk also and point blank refused to send an inspector
11 out on the tug. He sent inspectors to the ships when
12 alongside the wharf. And I said this is kind of a lost
13 cause. I don't understand why you can't make all inspections
14 alongside the dock after the ships come in.

15 We have been out and past four ships and can't
16 be fully accepted because they are still waiting for the
17 Agricultural Department to inspect also before the
18 charter will accept them. So after that, they decided
19 it would be better if ships were inspected alongside the
20 wharf.

21 When these ships arrive off Churchill most of
22 them have what is known as Churchill Clause. As soon as
23 she drops anchor she is accepted by Charters and inspect-
24 ion is carried out alongside the wharf at the same time
25 as the Agricultural Inspector comes around too.

26 Q. Captain Wagner told us about the
27 difficulties in entering and leaving the harbour and re-
28 ferred particularly to current and tide which made your
29 work extremely difficult. Would you care to offer your
30 opinions on that?



1 A. The sailing instructions in the Churchill
2 Pilot Book warns mariners that you have here -- and read it
3 on this chart, you have flood tide of about $3\frac{1}{2}$ knots coming
4 through the entrance and around $4\frac{1}{2}$ to 5 knots ebb tide.
5 This is the strongest. And you have got to make certain
6 you have enough water in the harbour to turn your ships
7 and to use the flood tide to turn it. If the ship comes
8 in head up and tide ebbing you bring her in head up and
9 put port side to but not heading in the right direction for
10 leaving so when you get her tied up as a precaution
11 against any of the mooring lines carrying away during the
12 hours of darkness due to the very strong tide we always
13 drop port anchor under foot and wire messenger is rigged
14 up from the ship on to the dock and brought back on board
15 the ship and shackled to the ship's cable and the wire
16 messenger is taken to a winch and you can put cable out
17 to the dock and then secure that with about 8 or 10 turns
18 of $3/4$ or inch wire and set up with bulldog clips and
19 that cable is allowed to hang slack.

20 Q. Is that done with every ship?

21 A. Every ship that comes in head up if
22 you have any ebb tide flowing at the time. That is the
23 only way to moor it. You can't turn because the tide,
24 coming at $4\frac{1}{2}$ or 5 knots -- you can ask for a minimum of
25 5 mooring lines forward with back spring. Minimum, 6 or 7
26 we want. And minimum of 5 stern lines with back spring
27 and drop port anchor under foot and secure cable to the
28 tug.

29 Q. Can you bring a ship in on the flood?

30 A. Yes. When you do that on the flood,



Munday, d.ex.
(Jacques)

6681

1 you have to know where you are going to put her and that
2 can be tricky and difficult. If there is one vessel at
3 the north end at the grain berth and another one at the south
4 end at a grain berth and the centre berth is where you are
5 going to bring your ship in, you have to make certain you
6 know exactly what you are going to do, and not touch any
7 of these other ships and if you don't think you can do it,
8 because of wind, maybe strong wind at the dock, you should
9 say we will wait until the tide turns and do it then. And
10 you can bring it straight up, head up, but if a strong
11 westerly or north-westerly wind and you come in on the
12 flood tide as soon as you are through here and turn stern,
13 you are coming up this harbour like an express train.

14 Q. Capt. Wagner told us about a proposed
15 new scale of fees. Do you know about that?

16 A. Yes. I don't know how long ago, but
17 two, three or four years ago the daylight pilotage fee in-
18 wards and outwards was \$75.00 which was made up of \$50.00
19 a ship for the pilot and \$25.00 for the Harbours Board for
20 use of the tugs. That was reduced four or five years ago
21 and brought down to \$65.00 --- \$40.00 for the pilot and
22 \$25.00 for the Harbours Board. But, they also brought in
23 this twilight pilotage that was after sundown and before
24 sunrise, provided weather and conditions were suitable and
25 they pay \$90.00 --- \$65.00 in and out and the other \$25.00
26 to the Harbours Board. You can only do that if the
27 weather is clear and light.

28 Q. This proposed scale, do you approve of
29 it?

30 A. The fees themselves?



Munday, d.x.
(Jacques)

6682

1 Q. Yes?

2 A. No. I feel they are inadequate.

3 Q. The new ones that were made up by
4 Capt. Wagner?

5 A. The little brief we submitted, I think
6 they are very good, but they wouldn't adopt them. They
7 said they looked into the matter and looked this brief over
8 and passed on to some members in the Treasury Department
9 and they wrote a letter back stating that our salary as
10 Port Warden and Deputy Port Warden plus the number of
11 ships we were handling, they tried to say that our salary
12 was between \$1,200.00 and \$1,400.00 a month, which is
13 commensurate with pilots up on the Chicago Run.

14 They also stated it was also in line with
15 pay to Beachmasters on landing beaches in the Arctic, so
16 what we did, when I got this answer back, and reported to
17 Ottawa in July this year --- they said what do you think
18 of the letter, and I said I wasn't too pleased ---- we
19 only get 82 to 85 days of piloting up here. It is a very
20 short season and we are working day and night and where the
21 pilots on the Sarnia-Chicago Run might be earning \$1,400.00
22 a month it is a season of seven or eight months a year,
23 and nothing to worry about. When we come up in July I go
24 about a week to ten days ahead to assist to put buoys out
25 and in October the season is finished. We don't get a
26 retainer or anything. I said I don't quite see where we
27 can compare with those other fellows. What we are earning
28 up here might be \$5,000.00 total salary and pilotage ---
29 as far as we are concerned it is a year's salary, because
30 we have little or no hopes when we go out of here of



Munday, d.x. 6683
(Jacques)

1 ENGLISH

2 obtaining anything during the Winter. Last season I didn't
3 get anything. I went out in the 1st of November and didn't
4 do a thing until I came up here in July, and the same in
5 1961, and that was one of the reasons I didn't come back
6 after 1952, because, well, I didn't do too much piloting
7 then myself; it was done by the tug captain.

8 When the season is over, you are out. You
9 don't get a retainer and if you can obtain employment all
10 year 'round elsewhere, they wouldn't mind seeing you do it.
11 At the same time, they wouldn't like it, because they have
12 to go around to get someone else with the necessary local
13 knowledge to come up and do this job, and it is difficult
14 to get someone for three and a half months and then don't
15 want you any more.

16 In 1961, I came up as Deputy Port Warden and
17 Capt. Rose had been here for about five years and all the
18 piloting to himself. What with piloting and job of
19 surveyor for ice damage that he is allowed to do in private
20 capacity, he probably got eight, or nine thousand dollars
21 for four months' work, but this is when they introduced a
22 deputy which is really necessary, because if a Port
23 Warden, who is doing piloting meets with an accident, falls
24 down a hold, or something like what happened to me in
25 1952; I fractured three ribs and my foot went down the
26 hatch. I was in hospital in this camp for three weeks, and
27 if the Port Warden does get injured you have nobody. It
28 is necessary, really, to have a deputy so if the pilot or
29 Port Warden gets injured in any way there is always some-
30 body to carry on as best he can.



Munday, d.x. 6684
(Jacques)

1 ENGLISH

2 In 1961, when I was Deputy, I got \$2,800.00
3 pilotage. I got \$450.00 a month for three months after
4 taxes from the salary --- I had about \$1,100.00 after
5 taxes deducted, so \$2,800.00 plus \$1,100.00 about \$3,900.00
6 or \$4,000.00 and that was it. When you go out in the early
7 part of November it is just about certain you are not
8 going to get anything until the following year in March or
9 April. I was Harbour Pilot in 1959. The first year ---
10 all year where I was Harbour Pilot in Toronto and handled
11 370 or 380 ships and no damage to the ships or the tugs
12 and know Toronto very well, because worked as Marine
13 Surveyor. I did work for marine insurance companies in
14 Toronto and Montreal. I covered most of Ontario. We did
15 some work for London Salvage and so on. Down there, oh,
16 about seven and a half or eight months season, but after
17 the year was over two men got approved into the job. I was
18 there in a temporary capacity until the thing was organized,
19 but I only mention that in passing, because you may have
20 thought I have actually come to Churchill and just done
21 this job and haven't done any piloting anywhere else.

22 Q. We didn't think so.

23 A. I just put that on the record. This
24 job up here is part-time, seasonal position, and if you can
25 come back next year, they are pleased for you to do so,
26 and it helps them. If the local Port Manager doesn't come
27 back and the Deputy doesn't come back, then they have to
28 look around for somebody that knows the job, knows this
29 port up here. And the question is would they be willing
30 to come for such a short season of three and one half



Munday, d.x.
(Jacques)

6685

1 ENGLISH

2 months where the pilotage fees are so small. I think
3 they are small, because we take, we made a list of the
4 ships that were handled in 1952 and the average draught of
5 those.

6 Q. 1962?

7 A. No, 1952. And 276 and we handled the
8 ships and average cargo around 9,200 tons of grain, average
9 two or three ships out of the season took away 10,000 tons
10 in 1952. Here we are getting ships today drawing 32 feet
11 draught and 600 feet long, 73 foot beam, and running some-
12 thing like 600,000 bushels in a load. In other words,
13 ships themselves are getting bigger, twice the size almost
14 than 1952. The total number of ships has got less in
15 1959. I think 59 grain vessels and four tankers, last
16 year we had 49 grain vessels and three tankers. This year
17 we think there might be 44 grain vessels and two tankers.

18 Q. Do you get any bridge aft ships here ---
19 bridge with all structures aft?

20 A. Yes. We had one the other day,
21 ASCOPTERIGOSLA ship. They look like a tanker. It is a
22 sister ship to the BARILOCHE and BIEGAGLIA.

23 Q. But is she bridge aft?

24 A. Yes, all accommodation aft.

25 Q. Did you experience any difficulty in
26 bringing her alongside, this type of ship?

27 A. No.

28 MR. JACQUES: Thank you, sir. Would you have
29 anything else to say as regards pilotage here?

30 THE WITNESS: No, except to say the number of



Munday, d.x.
(Jacques)

6686

1 ENGLISH

2 ships we handle is getting less, although ships themselves
3 are getting bigger. Many ships come in owned by the
4 Department of Transport which do not take a pilot. They
5 don't have to. So the less number of ships we handle up
6 here the less our total take will be at the end of the
7 season. That is why we asked if they would consider
8 putting us on a retainer for the Winter months, which the
9 National Harbours Board do for some of the workers to make
10 certain they have them for the next year. I don't know
11 why our Department in Ottawa --- I don't know whether it
12 is them or not, but we have asked if they would consider
13 a retainer if it is important for them to have the same
14 people back, perhaps it isn't; or failing that, consider
15 an increase in salaries or increase in the pilotage, say,
16 based on a sliding scale with regard to the ship's
17 draught.

18 Q. Would you consider being on a straight-
19 forward salary basis twelve months of the year?

20 A. Yes, of course. If they would do that,
21 I wouldn't count on employment elsewhere in the Winter
22 months, but I spoke to Capt. Slocombe last year and said
23 if anything comes up --- he would let me know. But in
24 most cases if someone goes sick or on leave we have to get
25 someone closest to that port and I live in Toronto. We
26 felt either a straight increase in the pilotage rates
27 based on the draught of the ship, \$2.50 or \$3.00 --- light
28 draught coming in and loaded draught going out. If they
29 don't consider that, maybe an increase in the salary or
30 maybe a retainer in the Winter. I don't know. At the



Munday, d.x. 6687
(Jacques)

1 ENGLISH

2 moment it is just straight three and a half months, maybe
3 few days over and maybe four months, but that is about it.
4 I don't think there is anything else I can mention at all.

5 COMMISSIONER RENWICK: Capt. Munday, and I
6 think I know the answer, you are on Workmen's Compensation,
7 I believe?

8 THE WITNESS: On what?

9 COMMISSIONER RENWICK: Workmen's Compensation?

10 THE WITNESS: Yes. If we made that a question.

11 COMMISSIONER RENWICK: That is by virtue of
12 being employed by Harbours Board, not by being a pilot?

13 THE WITNESS: I don't know. Capt. Rose had
14 one --- he fell off the pilot ladder and landed on the
15 deck of the GRAHAM BELL and filled in green and white
16 forms, Workmen's Compensation, but don't know if put as
17 D.O.T. employee or Nautical Services employee. You see,
18 actually we come up here and employed and paid by the
19 Department of Transport, Nautical Services Branch of the
20 D.O.T.

21 They pay at the rate of \$5.00 a day by our
22 department, but don't get any remuneration if injured at
23 all. It would be covered by pension and go down as seasonal
24 members of the D.O.T.

25 MR. JACQUES: I will check with Capt. Slocombe.

26 THE WITNESS: We find mixed situations, some
27 places not on Workmen's Compensation, they are and some
28 places say not permitted to go on and other places say
29 they are and just trying to clarify my thinking. It is
30 a situation that could arise if a man got injured in the



Munday, d.x. 6688
(Jacques)

1 ENGLISH

2 short season and go home injured and not able to work.
3 If you are still sick or injured I wonder what the story
4 would be if the season is finished --- pay travelling
5 expenses from home to Churchill and back to home and then
6 it is cut off and everything is finished. I have been
7 wondering if the man got injured here late in the season
8 and don't suppose the hospital would release him until he
9 is fit to go out. I don't know.

10 THE CHAIRMAN: How do you receive E.T.A.'s?

11 THE WITNESS: Sometimes, after being here for
12 a few days send a message to a Captain and ask and that is
13 when we get three and four hour delays. We find it
14 quicker to go to the Harbour and board the tug and she has
15 a V.H.F. and call the ship and sometimes we can get him
16 and we get our E.T.A. that way. We can do it quicker
17 than through the station.

18 THE CHAIRMAN: And through the agents?

19 THE WITNESS: If he happens to know there is
20 one due off the buoy at ten o'clock tonight and if condi-
21 tions and weather are suitable, we bring in and if not he
22 will anchor.

23 Q. You are informed of that by the agent?

24 A. Yes. A good one this afternoon --- one
25 turning --- I will turn it this afternoon, because brought
26 in on the ebb tide head up and she is 31 foot draught going
27 out and so coming up it if turn on the last of the flood
28 tide coming in, turn it and put starboard side to the dock,
29 and then if it happens to come blowing hard from the
30 north-west or west ---- tomorrow when he comes it won't



Munday, d.x. 6689
(Jacques)

1 worry us so much as if we had to put a tug on the bow
2 forward and pull his head off and pull the tug clear and
3 go out.

4 Q. I understand you could put three ships
5 there and load three ships at a time?

6 A. Yes, but you can only get one or two to
7 each ship.

8 Q. Otherwise use three spouts?

9 A. You can use four or five to one ship
10 and load twelve thousand tons of grain in eleven hours.
11 They can give a ship a thousand tons an hour of these
12 ships.

13 We can give a thousand tons an hour with these
14 spouts --- loading one ship at a time.

15 THE CHAIRMAN: You are two pilots and one
16 acting as master pilot?

17 THE WITNESS: No. He takes his responsibility
18 when he is ship handling. Anything he does he takes
19 responsibility for him.

20 The only difference is he is Deputy Port
21 Warden at \$450.00 a month and I am Port Warden at \$500.00
22 and, incidentally, my pay appear in 1951 and '52 as Port
23 Warden then, only one of us, was \$400.00 a month. That is
24 twelve years ago. That is the only difference between
25 Wagner and I. We divide the pilotage right down the
26 middle, whether he does two more ships than me. Last year
27 the D.O.T. or Pilotage Division set up an account fund
28 in the bank here and it is called Churchill Pilotage Fund.
29 I collect all the fees including the grain inspection fees
30 and services fees and deposit them in the bank and the



Munday, d.x.
(Jacques)

6690

1 ENGLISH

2 pilotage money I get is deposited in the Churchill Pilotage
3 Fund and it includes the boat fees as well and then at the
4 end of the season Ottawa turns that money back ---

5 The Harbours Board they give us invoices for each ship that
6 we have handled and they bill us \$25.00 each time we have
7 a tug, so a stack of invoices like that outstanding
8 against us and take those back to Ottawa and I pass these
9 receipts ---- we check to see they haven't doubled up and
10 providing we have used the tug for pilotage as stated, the
11 Pilotage Division makes out a cheque for the total amount
12 and sends to the Harbours Board and the fees are split
13 right down the middle. Last year \$3,500.00 each.

14 Q. Let's say, with regard to this charge,
15 you have not been able to board a ship on account of bad
16 weather and obliged to return all tug charges?

17 A. I don't think so. They only charge
18 when you go aboard.

19 Q. And no question of detention?

20 A. Of what?

21 Q. Detention?

22 A. We have spoken about the charge when
23 using the GEORGE KYDD which is a 500-horsepower work boat
24 with two men aboard. If a small vessel inward in the
25 harbour at the north end she has to come to the dock so the
26 KYDD will take us three-quarters of a mile and they still
27 charge \$25.00.

28 Q. We were told the pilotage dues were not
29 divided down the middle, but each got the dues for the
30 ships that he had piloted?



Munday, d.x. 6691
(Jacques)

1 ENGLISH

2 A. That is what the wording says, you are
3 paid for those ships and those days you are available.

4 COMMISSIONER RENWICK: He intimated by friendly
5 arrangement between the two pilots they fixed it up.

6 THE WITNESS: The wording in the bylaws, it
7 says that pilots are paid on the basis of days available
8 for duty and ships handled or words to that effect.

9 THE CHAIRMAN: It doesn't work that way.

10 THE WITNESS: No, because you are both doing
11 ship and ship and ship and ship all the time trying to keep
12 even.

13 COMMISSIONER RENWICK: And days available have
14 no impact on it?

15 THE WITNESS: No.

16 THE CHAIRMAN: Now, would there be any deduc-
17 tion made for administration or anything?

18 THE WITNESS: No. I look after all the books,
19 log book and account book.

20 Q. You are keeping that?

21 A. That is all part of the Port Warden's
22 duties as laid down in the Canada Shipping Act.

23 THE CHAIRMAN: That is all as far as I am
24 concerned. Thank you very much, Capt. Munday.

25

26

27

28 ---Adjournment.

29

30

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

SAINT JOHN
NEW BRUNSWICK

VOLUME No.:

57

DATE:

August 26, 1963

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1
2 ROYAL COMMISSION ON MARINE PILOTAGE

3 Proceedings of the hearing held
4 in the Court House, Saint John,
5 New Brunswick on Thursday, the
6 26th day of August, 1963.

7
8 COMMISSION:

9 The Honourable Mr. Justice Yves Bernier Chairman

10
11
12 COMMISSION COUNSEL:

13 Mr. Maurice Jacques

14
15
16
17
18
19 Mr. A. B. Gilbert, Q. C.) for Kent Line, Irving
20 Mr. Donald M. Gillis, Q. C.) Refining Limited, and
Irving Oil Limited.

21 Mr. E. Neil McKelvey Q. C. for the Pilots of the
22 Pilotage District of
23 Saint John.
24
25
26
27
28
29
30



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Saint John, New Brunswick
August 26th, 1963.

1 ---Upon commencing at 10.00 a.m.

2 MR. GILBERT: My Lord, before Mr. McKelvey
3 proceeds, I think we were asked to produce certain infor-
4 mation at the last hearing, and I have endeavoured to
5 obtain that.

6 First there is the weather conditions during
7 a certain period of the Spring in 1963, when lightering
8 took place, and then also certain registered tonnages. I
9 have got that information here.

10

11 ---EXHIBIT 615: Weather conditions prevailing from April
12 28 to May 20, 1963.

13

14 MR. GILBERT: I was also asked to get certain
15 other information in respect to the tonnage.

16

17 THE CHAIRMAN: The previous Exhibit was filed
18 in Churchill, Exhibit No. 614.

19

20 MR. JACQUES: Yes My Lord.

21

22 And the other, My Lord, is the registered
23 tonnage, the net and gross, of the tankers.

24

25 ---EXHIBIT NO. 616: Tonnage, net and gross, of various
26 tankers referred to during the hear-
27 ing.

28

29 MR. MCKELVEY: Your Lordship, I wonder if I
30 might observe at this point that with regard to the
Exhibit No. 616, which gives the tonnage of various
vessels, there is another factor pertaining to these
vessels which bears on the problem. That is the type of
propelling power they have, whether they are steam turbines,



1 and what sort of power they can deliver, which affects
2 their manoeuvrability.

3 I am informed that a good many of these vessels
4 are of relatively low power, or perhaps more accurately,
5 slow power so that their manoeuvrability in narrow
6 channels is affected, and their stern power, the ability
7 to take the way off the vessels, is affected too, although
8 this has nothing to do with the tonnages.

9 THE CHAIRMAN: I suppose you can bring some
10 evidence of that in from your witnesses?

11 MR. MCKELVEY: Yes, I think Ronald Cobham gave
12 evidence on that.

13 THE CHAIRMAN: I recall that.

14 MR. MCKELVEY: Now Mr. Chairman, at the time
15 of the adjournment here Pilot Francis Quinn was on the
16 stand, and I have finished examining him.

17

18 FRANCIS L. QUINN, RECALLED AND SWORN

19

20 CROSS EXAMINED BY MR. GILLIS:

21

22 Q. Mr. Quinn, I presume you are familiar with
23 the contents of the briefs submitted by the pilots of
24 the Pilotage District?

25 A. Well, I have read it over, yes.

26 Q. Do you agree with the contents?

27 A. Yes, what I read, yes.

28 Q. Pardon?

29 A. Yes.

30 Q. You have been a pilot, I understand, I think



1 you said for some ten years?

2 A. Yes, that is right.

3 Q. I suppose you were a pilot before the refinery
4 was established in Courtenay Bay?

5 A. Yes.

6 Q. Do you agree that the establishment of this
7 industry at Courtenay Bay has resulted in substantial
8 financial advantages for the pilots?

9 A. Oh, yes, yes.

10 Q. And, as I understand it, previous testimony
11 indicated that tankers coming into this refinery have
12 resulted in payment of pilotage dues of something like
13 \$30,000. annually. Would that be about right?

14 A. I wouldn't know the figures, but it has been
15 quite an increase.

16 Q. Now, it is a fact, is it not, that the pilots
17 in their brief have now selected particular tankers, and
18 are requesting for a cent per ton surcharge on them?

19 A. Yes.

20 Q. Out of all other ships the pilots have picked
21 out these tankers isn't that right?

22 A. I don't think it is worded that way in the
23 brief.

24 Q. Well, if I understand it, the brief is asking
25 for a surcharge of one cent per ton for every net ton in
26 excess of eight thousand on these super tankers? Isn't
27 that right?

28 A. In excess of eight thousand net tons on all
29 ships entering the port.

30 Q. No. On super tankers as I understand it?



1 A. Yes, I think possibly it is a cent a ton on
2 all over eight thousand net tons. Does it not say that?
3 That would pertain mostly to super tankers.

4 Q. To adequately compensate the pilots for their
5 services in navigating large super tankers?

6 A. Yes.

7 Q. So you have selected this particular type of
8 ship, asking for an increase. Isn't that right?

9 A. Well, according to that it is right, yes, but
10 I think that also---

11 Q. You said you agree with the contents of this
12 brief?

13 A. That is right.

14 Q. Isn't it a fact that the result of such a
15 surcharge would mean an increase in pilotage dues of
16 something like 23 to 45 per cent to fall on this company?

17 A. Well, I don't know whether you would call it
18 dues. We refer to it as a surcharge.

19 Q. Well, are you aware, Mr. Quinn, that in
20 addition to this claim for a surcharge on these tankers,
21 certain other actions of the pilots, we suggest, have det-
22 rimentally affected the financial position of the refinery?

23 A. Would you repeat that please?

24 (The last question is read by the reporter).

25 THE WITNESS: No, I am not aware of this.

26 Q. You aren't aware of it?

27 A. No.

28 Q. Are you aware that the refinery have complained
29 of delays in docking tankers?

30 A. To whom?



1 Q. Well, there were complaints of delays in
2 pilots bringing in these tankers. Isn't that a fact?

3 A. There might have been. I wasn't at the other
4 hearings, outside the very last one.

5 Q. Were there delays in docking tankers delayed
6 outside the harbour?

7 A. There were, due to weather conditions.

8 Q. And so the pilots have given that as a cause
9 for not bringing in the tankers. Is that right?

10 A. I would say that was one of the causes.

11 Q. What other?

12 A. Weather conditions, draft of the vessels,
13 insufficient draft in the channel, freshet conditions.

14 Q. Do I understand you some vessels, disregarding
15 weather conditions, arrived, and there wasn't sufficient
16 draft in the channel to bring them in?

17 A. That is right.

18 Q. Could you give me some examples of them?

19 A. Not off hand, but I could give you---

20 Q. No. I want specific examples. You don't
21 know of your own knowledge?

22 A. If I could look up the records I certainly
23 could.

24 Q. Where are the records?

25 A. In the pilotage office.

26 Q. That is of your own experience?

27 A. Yes.

28 Q. Could you tell me when they occurred?

29 A. The exact time?

30 Q. No, approximately?



1 A. It could have happened at any time since the
2 refinery was built.

3 Q. I am not saying could it. Do you recall?

4 A. It has happened since the refinery was built,
5 yes.

6 Q. On how many occasions?

7 A. I couldn't say.

8 Q. Could you give me any time, approximately?

9 A. Maybe---

10 Q. Not maybe. Do you know any approximate time
11 in the past?

12 A. No, I would have to look it up.

13 Q. Well, would you agree with this, Mr. Quinn,
14 that delays in docking these tankers would result in fin-
15 ancial loss to the company?

16 A. Oh, I would expect so, certainly.

17 Q. Well, would you also agree that any extra
18 surcharges claimed, any extra amount the company must pay
19 for other tugs in docking tankers, could conceivably
20 result in driving the tankers from this harbour? If they
21 have to pay too much for tugs and pilotage dues?

22 A. I shouldn't think so.

23 Q. You wouldn't think so?

24 A. No.

25 Q. It would not have any effect on their financial
26 operation?

27 A. I think you asked me if it would have any
28 effect in driving the ships away from the port.

29 Q. Could it, if they paid too much in pilotage
30 dues?



1 A. It depends on what you consider too much, I
2 suppose.

3 Q. Well, do I understand, Mr. Quinn -- I want to
4 speak about tugs -- that pilots do order tugs to assist
5 these tankers in docking?

6 A. No, not to my knowledge.

7 Q. They don't? I am reading from page 13 of the
8 Pilots' Brief, with which you said you agree. It says:
9 "The pilots determine when ships should move and in what
10 order the moves will be made. They also order the tugs."
11 Is that true?

12 A. Whereabouts on the page?

13 Q. Page 13, lines 7 to 8 or 9?

14 A. Well, that I wouldn't agree with, that partic-
15 ular wording here, because that is not what it is meant,
16 that they in a sense -- that they give an order. No, we
17 don't give any orders to tugs.

18 Q. Well, let's put it this way then. You do
19 recommend to the master of the vessel what tugs to use.
20 Is that right?

21 A. Yes.

22 Q. And would it be fair to say you insist on the
23 use of the tugs that you recommend?

24 A. Possibly in some instances, yes.

25 Q. Is it a fact or not you insist on the use of
26 the tugs that you recommend?

27 A. I could hardly insist on the tugs if the
28 master of the ship tells me he doesn't want them.

29 Q. Well, do you indicate that if he doesn't take
30 your advice you wouldn't assume any responsibility in



1 respect of any errors made by the tug?

2 A. To the Captain?

3 Q. Yes?

4 A. Yes, I would say that.

5 Q. Now, there are two tugboat companies which
6 operate in the harbour of Saint John are there not?

7 A. Yes.

8 Q. And you invariably advise the use of the tugs
9 of the Saint John Harbour Tugboat Company?

10 A. Yes, in conjunction with the other tugs.

11 Q. Well, my question was you invariably recommend
12 the use of these tugs of the Saint John Tugboat Company,
13 don't you?

14 A. Yes.

15 Q. Now, that has been your practice ever since
16 the refinery was established?

17 A. Yes.

18 Q. Are you aware, as a result of such recommenda-
19 tions, that the Company, the refinery, was obliged to
20 engage the "OCEAN ROCKSWIFT" in 1961?

21 A. No.

22 Q. Were you here at previous hearings and heard
23 evidence that the Company was obliged to pay a standby
24 charge for this "OCEAN ROCKSWIFT" of some \$400.00 a day?

25 A. No.

26 Q. Well, you are familiar with charges made by
27 tugboat companies?

28 A. No.

29 Q. You have no knowledge of their charges?

30 A. None whatever.



1 Q. Well, if it was \$450.00 a day, wouldn't you
2 agree with me that it was a very extraordinary, and I am
3 going to suggest, an unreasonable charge for the use of a
4 tug on a standby basis?

5 A. I have not any idea what the charge would be.

6 Q. Would it also be correct to say that you
7 wouldn't care?

8 A. I am not in the towboat business. I am a pilot.
9 I don't know what the charges are for towboats.

10 Q. No, but as a result of your recommendation the
11 Company, I suggest, was required to engage this tug on a
12 standby basis, and you mean you aren't even interested in
13 that?

14 A. I didn't say I wasn't interested. I said I
15 was not aware of it.

16 Q. Well, would you be interested?

17 A. In what way?

18 Q. Well, you, the pilots, I suggest, were
19 responsible for requiring the refinery to engage such a
20 tug on a standby basis. Now, wouldn't you be interested
21 in the amount that the company was required to pay to
22 procure the services of that tug?

23 A. No, I don't think so.

24 Q. You wouldn't?

25 A. No.

26 Q. Well, I am suggesting, Mr. Quinn, as a result
27 of such, what I suggest unreasonable charges, the company
28 would be required, at the rate of four hundred and fifty
29 dollars a day, to pay over \$160,000. a year to keep such
30 a tug standing by. Would you consider that reasonable?



1 A. Again I don't know, have any idea of what
2 the towboat charges are.

3 Q. And you don't care?

4 A. I don't say I don't care. I just don't know.

5 Q. Well, if what I put to you is correct, wouldn't
6 you think that that would be a very unreasonable charge?

7 MR. MCKELVEY: My Lord, I object to this
8 questioning of a pilot on the reasonableness of charges
9 made by tugboats. It is none of his concern. The question
10 of whether he is interested or not is immaterial. Profess-
11 ionally it is not part of his job. My learned friend has
12 asked him several times and I submit that he should be
13 requested to stop.

14 THE CHAIRMAN: I think Mr. Quinn gives the
15 right answer as far as he is concerned. He says it is
16 not his business, and I am pretty sure you are going to
17 continue that line also to explain why this tug is kept
18 there.

19 MR. MCKELVEY: Well, whether he is interested
20 in whether \$450.00 a day is reasonable.

21 THE CHAIRMAN: I suppose you will follow this
22 in establishing why this standby charge is there, and the
23 reason for it. I think it is in this regard all
24 right.

25 MR. MCKELVEY: Oh, yes, the reason why a pilot
26 does what he does is material.

27 THE CHAIRMAN: So, question allowed.
28 (Last question read by the reporter).

29 THE WITNESS: I have no idea.

30 Q. And you don't particularly care? In other



1 words, you aren't interested in what the company has to
2 pay?

3 A. From a pilot's point of view?

4 Q. Well, you are a pilot, are you not?

5 A. Yes.

6 Q. Well, would it be fair to say you are just not
7 interested in what the company has to pay?

8 A. No, I don't think it would be fair.

9 Q. All right. Well are you interested?

10 A. No.

11 Q. You aren't interested?

12 A. No.

13 Q. Are you willing today as a pilot to advise
14 the use of Irving tugs?

15 A. Solely?

16 Q. Yes?

17 A. On what ships?

18 Q. On tankers coming into the refinery?

19 A. No.

20 Q. Well, do you not agree with this, if the
21 tankers were willing to use the Irving tugs, the company
22 would not be subjected to such, what I suggest is an un-
23 reasonable or exorbitant charge of \$450.00 a day?

24 A. Again I don't know. I don't know what are the
25 charges for the tugs.

26 Q. And there again you aren't interested. Did
27 you say that?

28 A. I didn't say that.

29 Q. I thought you did a moment ago?

30 A. To this question about Irving tugboats?



1 Q. Well, as to what charges were made for a tug?

2 A. You are asking me now am I interested. No, I
3 am not interested in what charges are made.

4 Q. You say that you would not recommend to a
5 master that he use Irving tugs, is that correct?

6 A. Solely Irving tugs that is correct. On super
7 tankers you said, did you not?

8 Q. Yes, tankers. Why do you say solely Irving?

9 A. Well, for the simple reason the tugs that are
10 now available, the Irving tugs that are now available,
11 the personnel I don't consider them to be experienced
12 enough in handling the ship.

13 Q. I understand. We will come to that in a
14 moment.

15 But you say solely Irving tugs. Why recommend
16 any of them?

17 A. Well, in docking these tankers we take, we
18 recommend four towboats under normal conditions, and, as
19 I say, we recommend two harbour tugs, or two Saint John
20 Towboat Company and two of Irving Oil towboats.

21 Q. Why recommend any of Irving Oil?

22 A. Why recommend any of Irving Oil? There isn't
23 sufficient Saint John Harbour towboats to dock the vessel.

24 Q. So that is the only reason, because there
25 aren't enough of the Saint John Harbour towboats, and that
26 is the reason you recommend some of Irving Oil's. Is
27 that correct?

28 A. Er, yes.

29 Q. Would it be correct to say there are enough
30 Irving tugs, though, to dock the vessel?



1 A. At the present time?

2 Q. Yes?

3 A. I don't think so.

4 Q. And how many are there, do you know?

5 A. Three.

6 Q. Why do you say that you would not recommend
7 use of all Irving tugs?

8 A. I think I answered that by---

9 Q. Well, I am asking you again please?

10 A. I don't consider the personnel experienced
11 enough in assisting the docking, or undocking of the super
12 tankers.

13 Q. In what respect do you say you don't consider
14 the personnel experienced?

15 A. From numerous occasions with Irving tankers
16 where we used solely Irving towboats.

17 Q. All right. Give me an illustration will you?

18 A. I will give you a very good illustration.

19 Q. Just a moment. What Irving tanker, that is
20 what I want to know?

21 A. Yesterday. The "IRVINGDALE".

22 Q. But you had been in the practice of doing this
23 before yesterday hadn't you?

24 A. The practice of what?

25 Q. Of not using Irving tugs. In other words
26 there was nothing yesterday that made you change your
27 mind?

28 A. On Irving tankers, no, we use Irving tugboats
29 on Irving tankers.

30 Q. For how long?



1 A. I am not sure. Two years maybe, three years.

2 Q. How many tugboats would you use on those tankers?

3 A. Normally two tugs.

4 Q. And you always use Irving towboats, and that
5 is to dock them at the refinery?

6 A. No.

7 Q. At Courtenay Bay?

8 A. Yes, Courtenay Bay, or undocking. Either one.

9 Q. During their use in the docking and undocking
10 of tankers at Courtenay Bay, using the Irving tugs exclus-
11 ively, have you had any accidents?

12 A. You mean accidents that would be reported
13 as accidents?

14 Q. Well, I presume so?

15 A. No.

16 Q. You haven't?

17 A. No.

18 Q. And you have been using them, you say, for
19 two or three years. Is that right?

20 A. Yes, approximately.

21 Q. And Irving tugs exclusively?

22 A. Yes.

23 Q. You say there are three Irving tugs available?

24 A. Yes.

25 Q. What are they?

26 A. "IRVING OAK", "IRVING BEECH", and "IRVING
27 TEAK".

28 Q. Now, did I understand you to say the crew was
29 inexperienced?

30 A. I would consider it so, yes.



1 Q. On which one?

2 A. On all three of them.

3 Q. When did you first know that the crew on any
4 one of these was inexperienced? When did that first
5 come to your attention?

6 A. When they first started operating in Saint
7 John.

8 Q. Well, on what is that statement of yours
9 based, that the crew is inexperienced?

10 A. Well, I would say from personal experience
11 I had with them with these towboats and ships.

12 Q. The entire crew?

13 A. When I speak of the -- did I not say the
14 personnel?

15 Q. I understood you as crew or personnel?

16 A. Well, when I speak of the personnel I refer
17 to the captain who is handling the vessel.

18 Q. Now, can you tell me who the captains are on
19 the "OAK" and the "BEECH" and "TEAK"?

20 A. Well, I couldn't tell you who they are going
21 to be each time the ship leaves the dock, no, because one
22 time there might be a certain captain and the next day it
23 might be somebody else.

24 Q. Well, can you tell me who any of the captains
25 are?

26 A. Yes.

27 Q. Who?

28 A. Captain Chisholm, Captain Harrington, is it?
29 Harrington I believe, and Captain George King.

30 Q. And could you tell me how long Captain Chisholm



1 has been with the company?

2 A. With the towboat company?

3 Q. Yes?

4 MR. MCKELVEY: My Lord, that is a matter of
5 record. Surely the witness isn't required to recall?

6 THE CHAIRMAN: I think the question is correct
7 in that he just mentioned his judgment to the effect that
8 the personnel aren't skilled enough, so therefore he is
9 trying to find out on what he is basing his judgment.

10 The question is allowed.

11 THE WITNESS: I am not sure, but I think
12 possibly two years, more or less.

13 Q. Was he engaged with this company when the
14 refinery started off?

15 A. As a towboat, not to my knowledge.

16 Q. You don't know?

17 A. Well sir, sometimes he is aboard of a ship
18 as a master, then possibly a week later he might be
19 aboard of a tugboat as a captain.

20 Q. Did you ever have occasion to inquire into
21 Captain Chisholm's qualifications?

22 A. No.

23 Q. Well, can you tell me on what you base the
24 statement that, let's take Captain Chisholm, is inexper-
25 ienced?

26 A. By the way he handles his tugboat.

27 Q. How is that?

28 A. Well an experienced towboat captain, he would
29 be able to handle his towboat in relation to the towing
30 of the ship.



1 Q. Well, you tell me how Captain Chisholm---

2 A. Oh, invariably he would be on a -- we will
3 take an instance of a towing line, be towing a ship, he
4 would get his towboat out of position in relation to the
5 ship. He would have to let the tow line go, or possibly
6 capsize the tug if he didn't, which means if he was on a
7 tow line aft he would have to stop the operation of the
8 ship until the tow line is in clear of the wheel, and all
9 this time of course the ship is moving in one direction
10 or another, which might be dangerous to the ship.

11 Q. Does this always happen with Captain Chisholm?

12 A. Not always.

13 Q. Well, can you tell me any specific instances
14 where that did happen?

15 A. It has happened numerous times. I can't
16 recall one specific instance right at the moment.

17 Q. Would it be in 1963?

18 A. Oh, yes.

19 Q. And you can't recall any?

20 A. Yes, I can recall, but I couldn't tell you the
21 exact dates.

22 Q. Can you tell me the tug that would be involved?

23 A. "OCEAN BEECH", or excuse me, "IRVING BEECH".

24 Q. "IRVING BEECH"?

25 A. Yes.

26 Q. And Captain Chisholm was the master?

27 A. Yes.

28 Q. Now, is that the only illustration you can give
29 me as to why you say that Captain Chisholm is inexperienced?

30 A. No. There are various occasions where the



1 towboat would be alongside of the ship, and you don't get
2 the proper -- he doesn't respond to your signals properly.
3 For instance, you might order the tug to push, and instead
4 of pushing he would come astern and pull the vessel off.

5 Q. Could you tell me when that happened?

6 A. Oh, as I say, this happened numerous times.

7 Q. Well, what do you do when this happens? Do
8 you do anything about it? Do you report to the tug
9 owners or---?

10 A. I think it has been reported to the tug owners.

11 Q. No. I am asking you if you did?

12 A. Yes.

13 Q. Who did you report it to?

14 A. Mr. Irving. I don't know his first name.

15 Q. Jim Irving?

16 A. Yes.

17 Q. And what did you report to him, and when?

18 A. Well, it was about two years ago. I believe
19 he called me at my house and asked me why I did not, why
20 I as one of the pilots did not use Irving tugboats, and
21 I gave this as one of the reasons among others.

22 Q. When you say this, do you mean a complaint
23 about Captain Chisholm?

24 A. I don't know whether I mentioned Captain
25 Chisholm or not, but I said the captains of the tugboats.

26 Q. That is what I am interested in. Just what
27 did you say to Mr. Jim Irving two years ago?

28 A. He asked me what I thought about using the
29 Irving tugboats on ships, and I said that as far as I
30 was concerned the towboat captains weren't experienced



1 enough for one thing at that time. They were not familiar
2 with the signals being used. They couldn't, sometimes
3 they couldn't hear the signals due to the exhaust noise
4 from the exhaust of the tugboats. They were not familiar
5 with towing a vessel on a line, and I believe at that time,
6 I am not sure about this, but I think at that time he
7 asked me if there was any suggestions I could give to
8 eliminate this noise. So I told him, well, possibly they
9 could build another wheelhouse on top, a glassed in wheel-
10 house, which would keep out some of the sound from the
11 exhaust.

12 Q. Now, is that all you have done with respect
13 to your complaint that the master was inexperienced?

14 A. I complained many times to the Superintendent
15 of Pilots.

16 Q. But to the company I mean. You did nothing
17 about it?

18 A. No, I don't recall other than that.

19 Q. And that was two years ago that you spoke to
20 Mr. Jim Irving?

21 A. Oh, excuse me. I did speak to a Mr. Vanderweil,
22 the gentleman who was in charge of the towboats.

23 Q. On how many occasions?

24 A. One particular occasion out at the Saint John
25 Drydock, the day they launched the vessel called the,
26 "HUDSON" I believe her name is.

27 Q. Well, don't you agree with me that if this
28 was two years ago any master of a tug would become more
29 experienced as time goes on?

30 A. I would expect so.



1 Q. Well, wouldn't you say that would be true of
2 Captain Chisholm?

3 A. That he has become more experienced?

4 Q. Than he was two years ago?

5 A. More than he was two years ago, certainly.

6 Q. Now, what about Captain King? What complaints
7 have you got about him?

8 A. Well, I would say in my opinion he is the
9 best of them all.

10 Q. Well, would you say then that he is a competent
11 tugboat master?

12 A. I don't think I referred to the competency of
13 any of them.

14 Q. Well, he is more experienced, is he?

15 A. I would say so.

16 Q. So you have no complaints about Captain King?

17 A. No, I don't think so.

18 Q. Now, would you talk over with your other
19 pilots the use of tugboats, which tugboats you were going
20 to use?

21 A. Oh, yes, yes.

22 Q. And would it be fair to say that you would
23 more or less come to an agreement, or understanding, that
24 at least several of the Saint John Tugboat Company's tugs
25 will be used in docking these tankers?

26 A. By talking to the pilots?

27 Q. More or less an understanding among the pilots?

28 A. Excuse me. If I may try to enlighten you on
29 this a bit. This was all discussed with a representative
30 of Standard Oil of California.



1 Q. I am not asking about them---

2 MR. MCKELVEY: Let him answer the question the
3 way he wants.

4 MR. GILLIS: I will not.

5 Q. Isn't it a fact that you have talked over
6 with other pilots which tugboats you will use in docking
7 these tankers?

8 A. You mean when I personally am doing a job?

9 Q. No, before that. It is more or less, I am
10 suggesting, an understanding amongst the pilots that they
11 will use some at least of the Saint John Harbour Tugboat
12 Company tugs in docking the tankers. Isn't that correct?

13 A. Not the way you phrase it, no.

14 Q. Well, let's put it this way. Isn't it a fact
15 that in docking these tankers involved some of the Harbour
16 Tugboat Company's tugs are used?

17 A. Yes.

18 Q. And all of these are used on the recommendation
19 of the pilots?

20 A. On the recommendation of the pilot doing the
21 job.

22 Q. And all pilots are consistent then in making
23 such a recommendation?

24 A. Pretty well, yes.

25 Q. So would it be fair to say it has been talked
26 over amongst the pilots and they have that understanding
27 as to the use of the tugs?

28 A. I don't think it would be fair to say, no.

29 Q. Well, it is a fact, isn't it?

30 A. We judge each individual ship on its own merits



1 and then advise the master as to what towboats you would
2 consider necessary in docking or undocking the ships.

3 Q. Well, do I understand from you, Mr. Quinn,
4 that all pilots advise the masters as to what tugs to
5 use?

6 A. More or less, yes.

7 Q. Well, not more or less. Is it a fact or isn't
8 it?

9 A. More or less.

10 Q. But you always do, don't you? You always
11 advise what tugs should be used?

12 A. To whom?

13 Q. To the master?

14 A. I would say yes, at one time or another while
15 I am aboard the vessel, yes.

16 Q. Well, I don't care when, but you do it, don't
17 you?

18 A. Well, I couldn't very well do it if the man
19 is six hundred miles at sea, could I?

20 Q. No, well now, is it true that no ship's agent
21 or ship owner will use Irving tugs except the Kent Lines
22 and the California Shipping in the Saint John Harbour?

23 A. I couldn't really say that.

24 Q. You don't know?

25 A. I couldn't say.

26 Q. Well, have you used them, the Irving tugs on
27 any other ships?

28 A. Other than Irving Company ships?

29 Q. Yes?

30 A. No, outside of drydock work.



1 Q. Well, would you agree with this, Mr. Quinn,
2 it is really in the final analysis the pilot who makes the
3 decision as to what tugboats are going to be used?

4 A. No, I wouldn't say that.

5 Q. Well, I believe you gave evidence here
6 previously, there were two occasions brought to your
7 attention, or you gave evidence about one docking and one
8 undocking a ship, and it is a fact, isn't it, you refused
9 to undock a ship, or take it out, unless you got tugs from
10 the Harbour Tugboat Company?

11 A. It is a fact that I refused, yes, I refused.

12 Q. And because you didn't get the tugs you
13 wanted?

14 A. No.

15 Q. No what?

16 A. Because I didn't get the tugs I wanted. You
17 asked me because I didn't get the tugs I wanted, and I
18 said no.

19 Q. That was not the reason you refused to move
20 the ship?

21 A. Would you give it to me again?

22 Q. I am suggesting to you you refused to take a
23 ship out unless you got the tugs which you requested.
24 Isn't that correct?

25 A. On that particular day, yes.

26 Q. So I am suggesting then, Mr. Quinn, it is
27 really the pilot who makes the decision as to what tugs
28 he wants, and unless he gets them he won't move. Isn't
29 that right?

30 A. No.



1 Q. It happened on that day, didn't it?

2 A. No.

3 Q. It didn't?

4 A. No.

5 Q. Well, reading from your evidence you gave
6 before, and this was the question, at page 4128 "Did you
7 tell him you wouldn't take the ship out unless you had
8 two and two?" Answer:

9 "I told him with the conditions that day I
10 wouldn't take the ship out with two Irving tugs and one of
11 the Harbour tugs." Is that correct?

12 A. That is what I said, yes.

13 Q. So you didn't get the tug that you wanted,
14 did you?

15 A. Yes I did.

16 Q. But you didn't take the ship out unless you
17 got them. You said: "...I wouldn't take the ship out
18 with two Irving tugs and one of the Harbour tugs." That
19 is true, isn't it?

20 A. I said I would not take the ship out. What
21 is the rest there?

22 Q. "...with two Irving tugs and one of the Harbour
23 tugs"?

24 A. Yes, and you asked me if I got them, and I
25 said yes I got them.

26 Q. Well, I am putting it to you then, insofar
27 as that occasion is concerned, the pilot was the one who
28 made the decision as to which tugs he would use?

29 A. No, no. I was talking to the master of the
30 vessel, and advised him, and he concurred with me.



1 Q. Well, I am suggesting to you perhaps, Mr.
2 Quinn, some of the pilots they do not take it upon them-
3 selves to recommend which tugs should be used. Do you
4 know if that is so or not?

5 A. I wouldn't know. I don't go aboard a ship
6 with another pilot.

7 Q. You don't talk it over with the other pilots?

8 A. Do I talk it over?

9 Q. You don't talk over with the other pilots what
10 you shall do with respect to the recommending of tugs?

11 A. Not as a rule, unless I might seek advice from
12 one of the other pilots, but as a rule I don't.

13 Q. I understand from previous evidence given here
14 by Mr. Cobham, who I believe is a senior pilot to you, is
15 he not?

16 A. Yes, he is.

17 Q. He stated that he did not give advice regarding
18 what tugs should be used in the harbour. I understand he
19 gave evidence here to that effect?

20 A. He might have.

21 Q. You don't follow the same practice I take it
22 Mr. Quinn? You do recommend?

23 A. Yes.

24 Q. Mr. Cobham, I take it, is a much more exper-
25 ienced pilot than you are?

26 A. Oh, I would say so, yes.

27 Q. Now, has it ever happened, Mr. Quinn, that
28 you have piloted Irving tankers through the Reversing
29 Falls?

30 A. Yes.



1 Q. You have had accidents, have you with those
2 going through the Falls?

3 A. I have had one.

4 Q. I think evidence was given previously here
5 that out of 120 trips through the Falls there were three
6 accidents. Would that be right? Have you heard that?

7 A. I am not quite sure of the figures but I did
8 hear something that there were three accidents. I don't
9 know exactly how many trips.

10 Q. Well, such an accident ratio, I suggest Mr.
11 Quinn, is not a very good record, is it? Three out of
12 120.

13 A. You are suggesting it is not a good record?

14 Q. Yes, it is not a very good record?

15 A. I couldn't agree with that, no.

16 Q. Well, on such a basis, I mean three out of
17 120, I suggest, take a C.P.R. boat going in and out of the
18 harbour, say six hundred times a year, that would mean she
19 would have about 15 accidents on the same ratio. That
20 wouldn't be very good, would it?

21 A. Well, it depends on what you classify as an
22 accident.

23 Q. Well, if I understand it these three went
24 aground. I would consider that an accident wouldn't you?

25 A. One of the ones that I had?

26 Q. Well, I don't know. You did have an accident?

27 A. Yes.

28 Q. And she struck something didn't she?

29 A. She rubbed Split Rock, yes.

30 Q. That was an accident wasn't it? Is that



1 A. I would consider it so.

2 Q. Pardon?

3 A. Yes.

4 Q. Wouldn't you agree that some pilots are better
5 than others?

6 A. Oh, yes, certainly.

7 Q. And wouldn't you also agree that if an owner
8 has had an unfortunate, we will say experience, with a
9 pilot, that it wouldn't be unusual for the owner to select,
10 or request the pilot who should take his vessel in and out?

11 A. I would consider it very unusual.

12 Q. You would consider it unusual?

13 A. Yes.

14 Q. Even though an owner may have had an unfortun-
15 ate experience with some pilot who has had an accident,
16 or several accidents, you feel he should be compelled to
17 use the services of that pilot?

18 A. As long as there was no evidence to show that
19 the pilot was to blame for the accident, yes.

20 Q. Well now, in your experience Mr. Quinn of
21 navigating in the harbour, has there ever been any
22 occasion when a master has interfered, or questioned your
23 decision in piloting the vessel?

24 A. No, not to my knowledge.

25 Q. It would be very unusual for a master to
26 interfere with the pilot, wouldn't it, in the harbour?

27 A. No.

28 Q. It wouldn't?

29 A. No.

30 Q. But it has never happened to your knowledge?



1 A. What do you mean by interfering, in which way?

2 Q. Taking over the navigating of the ship in the
3 harbour?

4 A. I would say that if I was approaching a dock
5 and I was going to strike that dock the captain would
6 certainly take over.

7 Q. But you say that has never happened, has it?

8 A. To me personally?

9 Q. Yes?

10 A. Not exactly that, no, but I have had a master
11 take charge of the telegraph without my advising him to
12 do so, but that was because the man was drinking at the
13 time.

14 Q. Oh, well, that was a very unusual situation?

15 A. Yes.

16 Q. I am saying it would be very unusual for a
17 master of a ship to take control, or charge of a ship,
18 away from a pilot when the pilot is navigating the harbour.
19 Isn't that correct?

20 A. There is another instance that just came to
21 my mind. A Captain Powell who had been coming in and out
22 of this harbour for numerous times invariably would take
23 over the ship going into the dock or coming out of it at
24 different times of the docking or undocking of the ship.

25 Q. But that is very unusual, isn't it?

26 A. Yes.

27 Q. You said that just came to your mind?

28 A. Yes.

29 Q. So, under those circumstances, wouldn't you
30 agree that in, I think it was the 25th February 1961, when



1 Captain Chisholm was going around the Navy Island I believe
2 with a pilot aboard, and Captain Chisholm said this at
3 page 4068: "I figured he---" that is the pilot, "---must
4 know more about the channel than I".

5 Now, wouldn't that have been a reasonable
6 assumption on the part of Captain Chisholm, that the pilot
7 knew more about it than he did?

8 A. That particular statement, yes.

9 Q. I am showing you, Mr. Quinn, a letter which
10 was filed before as Exhibit No. 422, which purports to be
11 a copy of a letter written by J.=A. MacKinnon to Captain
12 Bigler, dated 28th December 1961. I believe that letter
13 was obtained from Captain MacKinnon's previous hearing.
14 Had you read that letter before? You were familiar with
15 that letter before today Mr. Quinn?

16 A. No, I never saw the letter before, no.

17 Q. But you have read it?

18 A. Just now.

19 Q. Well, had Captain MacKinnon ever discussed
20 this situation with you?

21 A. Oh, yes, with the pilots, yes.

22 Q. Including you?

23 A. Yes.

24 Q. And that was the view of the pilots?

25 A. Yes.

26 Q. Well, you have read it now, haven't you?

27 A. Yes, I just read it.

28 Q. There wasn't a thing said in that letter about
29 the inexperience or inefficiency of the crew of any of
30 Irving's tugs, was there?



1 A. No, I don't think so.

2 Q. Well, you just read it?

3 A. Maybe I could read it again.

4 Q. Go ahead. That is right isn't it? There is
5 no complaint made about the inexperience or inefficiency
6 of the crews of Irving tugs in that letter, was there?

7 A. No.

8 Q. Now today, as I understand the evidence you
9 gave before, you don't question the manoeuvrability of
10 the tugs, but now you say some of the crew were inexper-
11 ienced. Isn't that right?

12 A. Did I mention manoeuvrability today?

13 Q. I read your evidence, Mr. Quinn, and I didn't
14 see that you complained about not using the Irving tugs
15 because of manoeuvrability at all, did you?

16 A. What evidence is this?

17 Q. What you gave here before, and you can correct
18 me if I am wrong. I think it was June the 6th you stated,
19 I am suggesting to you, that the reason that the Irving
20 tugs weren't used was because of the inexperience of the
21 crew. Isn't that right?

22 A. Are you saying this is what I said in the
23 previous evidence?

24 Q. Well, that is the reasoning I got out of it?

25 A. Would you read it to me please?

26 Q. Page 4119 "Do you give advice preferring one
27 group of tugboats over another?" A. "Not one group of
28 tugboats. I would say that I would advise--- well yes,
29 I would advise one group of tugboats over another in this
30 particular instance because of the class of men that are



1 handling the tugboats". That is what you said, wasn't it?

2 A. Apparently. You are reading it. I can't see
3 it. It must be.

4 Q. You read this before today didn't you, what
5 you said before?

6 A. Yes.

7 Q. Well, was that evidence you gave before true
8 or not?

9 A. Certainly it was true.

10 Q. Therefore I am putting it to you the reason
11 you give now for not using these tugs is because of in-
12 experience of the crew?

13 A. Inexperienced personnel I believe I said.

14 Q. All right, inexperienced personnell But before,
15 in 1961, the reason given was because of manoeuvreability
16 of the tugs, and nothing was said about inexperience of
17 personnel was there?

18 A. Not on this letter, no.

19

20 CROSS-EXAMINED BY MR. JACQUES:

21

22 Q. Mr. Quinn, when you dock a super tanker where
23 do you position your four tugs?

24 A. Myself do you mean?

25 Q. Oh, yes?

26 A. I would place one of the Saint John Towboat
27 Company tugs under the port bow; one of the Irving Oil
28 Company towboats under the port bow, alongside of the
29 other tug; and one Saint John Tugboat Company on the port
30 quarter, alongside; and one of the Irving Tugboat Company



1 alongside of him. In other words you would have two tugs
2 on each end, one of each company on each end.

3 Q. Two on the port bow, and two on the port
4 quarter?

5 A. Yes.

6 Q. When would they take up their position along-
7 side the vessel?

8 A. Normally as we approach the foul ground buoy
9 54-J.

10 Q. And how far is that from the actual docking
11 place?

12 A. That would be roughly, I would say a mile and
13 three quarters.

14 Q. A mile and three quarters before?

15 A. From the dock. I could tell you better if I
16 measured it off, but I would say approximately one and
17 three quarter miles.

18 Q. Now, when you use Saint John tugs and Irving
19 tugs do you have any difficulties with the Irving tugs?

20 A. Well, on numerous occasions with the Irving
21 tugs approaching the ship to make fast they have run in
22 and collided with the other towboats. They have also come
23 in, and I have had occasion where they come and stove in a
24 plate on one of the tankers, and the Captain sent the tug
25 away.

26 Q. Now, let's take the first case that you quoted
27 of an Irving tug colliding with a Saint John tugboat.
28 Would you recall when that happened?

29 A. The exact date, no, I couldn't.

30 Q. Well, was it this year?



1 A. I would say it was in the last twelve months
2 period.

3 Q. Did you see the collision yourself?

4 A. Yes.

5 Q. Was it a serious collision?

6 A. No, not serious to the extent that anybody
7 was hurt. I believe the bulwark of the tugboat was stove
8 in.

9 Q. Of which one? The Irving tug or the Saint
10 John tug?

11 A. The Saint John tug.

12 Q. At that particular moment did you ascertain
13 who was at fault for this collision?

14 A. Well, I would ascertain it was the Irving tug,
15 because the Saint John Harbour tugboat was made fast to
16 the ship, and laying alongside of her.

17 Q. Yes, and the Irving tug struck the Saint John
18 tugboat when the Saint John tugboat was alongside your
19 ship. Is that it?

20 A. That is right, yes.

21 Q. What was the weather like then?

22 A. It was a beautiful day. There was no weather
23 to speak of at all.

24 Q. There was no wind?

25 A. No wind, no.

26 Q. There was no current?

27 A. If there was any current it would be setting
28 in very slowly.

29 THE CHAIRMAN: What was the manoeuvre that
30 the Irving tugboat had to do then?



1 THE WITNESS: Well, I would say that the tug
2 was approaching the vessel too fast. He had more way
3 on than he realized, and he was giving full astern at the
4 time.

5 THE CHAIRMAN: He was taking his post there by
6 the ship?

7 THE WITNESS: Yes sir.

8 THE CHAIRMAN: At the bow or the stern?

9 THE WITNESS: At the bow sir. He was
10 manoeuvring his tug to go inside of the Saint John tugboat
11 and the port side of the vessel.

12 Q. You say he was going -- would you repeat that
13 answer please?

14 A. He was manoeuvring his tug to go inside of the
15 Saint John towboat, and in other words the starboard side
16 of the Saint John towboat and the port side of the ship.

17 Q. So he was between the two, between the ship
18 and the Saint John tugboat?

19 A. Well, that is where he was trying to get, yes.

20 Q. That is where his station was?

21 A. Yes.

22 Q. Does the reverse ever happen, that the Irving
23 tug is on the outside, and the Saint John tug on the
24 inside?

25 A. How do you mean, outside?

26 Q. Well, you say that you have got two tugboats
27 made fast alongside the port bow of the ship. Is that
28 correct?

29 A. Yes.

30 Q. And you just said now that the Irving tug was



1 trying to take up her position on the starboard side of
2 the Saint John tug and on the port side of your ship. Is
3 that correct?

4 A. That is right.

5 Q. The tugs then, both tugs, when they are in
6 position, are they parallel to your ship, or at right
7 angles to your ship?

8 A. They would not be parallel, probably on a 30,
9 40 degree angle to the vessel.

10 Q. So therefore there must be one tug inside and
11 the other one outside?

12 A. Well, I would say that.

13 Q. One right next to your ship, and the other tug
14 on the other tug?

15 A. No sir, no. You see, the bow of one tug
16 would be approximately ten feet inside of the starboard
17 quarter of the other tug, so that in other words there
18 would be one tug forward, there would be the second tug
19 slightly astern, but with the bow inside of the port.

20 Q. Very well. Now, does it ever happen that the
21 Saint John tugboat is let us say the stern tug of the two
22 tugs on the bow?

23 A. Very seldom.

24 Q. Why?

25 A. As far as I position them, very seldom.

26 Q. Why?

27 A. Well, I like to get the Saint John tugboats
28 in position first, so they more or less have control of
29 the ship, and the other two Irving Oil's tugs would be
30 placed second on the ships, and they would be assisting



1 the other harbour tugs in manoeuvring the ship.

2 Q. And how long does it take to position your
3 four tugs?

4 A. Well, I would say approximately fifteen minutes,
5 ten, fifteen minutes.

6 A. Ten, fifteen minutes? A. Roughly.

7 Q. And what distance would you travel in that ten
8 fifteen minutes?

9 A. Well, if they started making fast just by the
10 foul ground buoy, they would be, all four would be
11 completely secured just inside the entrance to the break-
12 water, just inside the breakwater. I could show you on a
13 chart, if you had the chart.

14 Q. It is Exhibit No 25, which is Saint John
15 Harbour Approaches.

16 A. As you are approaching coming up the main
17 channel starting on the swing to approach the foul ground
18 buoy at 54-J---

19 Q. At the entrance of the Courtenay Bay Channel?

20 A. Yes, the junction of the Courtenay Bay and the
21 main harbour channel. This is where the tugs would start
22 alongside, and it would be I would say 66.3-J would be
23 about the position, between 66.3 and 66.5-J would be the
24 position of the vessel when the tugs are completely fast.

25 Q. Now, your tugs would start to make fast as
26 you come around the bend from the main channel into the
27 Courtenay Bay Channel?

28 A. Just before.

29 Q. And which tug would position first, the stern
30 tug or the head tug?



1 A. The port bow tug.

2 Q. The port bow tug would be the first one?

3 A. Yes sir.

4 Q. And which would be the second one?

5 A. The port quarter.

6 Q. And as you said, these would be Saint John
7 tugs?

8 A. Saint John tugs, yes.

9 Q. Do these tugs assist you in making your turn?

10 A. The one under the port bow invariably does
11 push to assist to make the turn to starboard.

12 Q. Have you ever tried using an Irving tug first
13 on your port bow?

14 A. I believe I did. I can't recall the occasion,
15 but I believe I did, and if not, I can't quite recall the
16 occasion, but I know that we didn't make any impression.
17 The vessel was going slow ahead and hard ~~astarboard~~ starboard at the
18 time, trying to make the swing. The tug "IRVING OAK" was
19 under the port bow at the time, assisting in the turn. We
20 had to pick the ship up to half, and then to full ahead
21 to help the swing. By this time the Irving or the Ocean,
22 either the "OCEAN OSPREY" or the "OCEAN ROCKSWIFT", one
23 of the two, had positioned himself, and the two of them
24 were then pushing, and we were able to make the turn
25 successfully. Then I slowed the ship back down again.

26 Q. Well, you seem to recall quite a lot about
27 that occasion. Would you recall when it occurred?

28 A. I would say it was within possibly a year, to
29 twelve, fifteen months I would say.

30 Q. Was that the only time you first positioned,



1 you positioned a tug, an Irving tug first?

2 A. Yes.

3 Q. That is the only time?

4 A. That is the only one I recall.

5 Q. The only one you recall?

6 A. Yes sir.

7 Q. Might there be other occasions?

8 A. Yes, there might have been, but I can recall
9 the reason why I did it that day.

10 Q. Do you know the difference in horsepower
11 between the two sets of tugs?

12 A. Off hand I don't know.

13 Q. Coming around the bend, apart from choosing
14 the right direction either to pull or to push, wouldn't
15 it be a question of horsepower?

16 A. I would think so.

17 Q. You would think so?

18 A. Yes.

19 Q. Do you think that a more powerful tug would be
20 more efficient?

21 A. Well, I would think so, yes.

22 Q. Now sir, you have been a pilot ten years here,
23 haven't you?

24 A. Yes.

25 Q. What sort of an apprenticeship did you serve?

26 A. Four years apprenticeship.

27 Q. What did you do during your apprenticeship?

28 A. The first two years of the apprenticeship I
29 was what we would call a deck hand apprentice. By that I
30 mean I would be tying up the vessel, handling the pilot



1 vessel, and going aboard ships with pilots, and in the last
2 two years of the apprenticeship I was solely going in and
3 out, and movages with the pilot. I had nothing to do with
4 the pilot boat.

5 Q. So we could say that you have had two years
6 experience ship handling before becoming a pilot?

7 A. Before my temporary pilot's licence?

8 Q. Yes?

9 A. Yes.

10 Q. Do you consider that two years is sufficient
11 to get to know ship handling?

12 A. I would think it would be quite a considerable
13 time, yes.

14 Q. You mentioned one case where one of the Irving
15 tugs wasn't able to take a tow line, or something like
16 that, or had to let go a tow line?

17 A. Yes.

18 Q. Because she was in irons?

19 A. Pardon me?

20 Q. Because she had difficulties?

21 THE CHAIRMAN: I think the witness said many
22 times.

23 THE WITNESS: Yes.

24 Q. Many times, it happened many times?

25 A. Yes.

26 Q. Was that docking tankers?

27 A. It would be mostly undocking tankers I would
28 say.

29 Q. Undocking tankers?

30 A. Yes. Occasionally docking them.



1 Q. And undocking tankers how many tugs do you use?

2 A. These particular tankers that I am speaking of
3 are what we refer to as Irving Oil Tankers, as distinguish-
4 ed from super tankers.

5 Q. What difference do you make between the two?

6 A. The super tanker is much larger, and much more,
7 a much bigger ship, or vessel, than the Irving Oil tankers.

8 Q. Let's take an instance of a super tanker. How
9 many tugs would you require to undock?

10 A. Normally I would require three towboats.

11 Q. Yes, and may I presume two of the Saint John
12 and one of Irving?

13 A. I would advise two of Saint John and one of
14 Irving towboats.

15 Q. Where would you position your tugboats?

16 A. I would give one Saint John the ship's line
17 or towing hawser on the port quarter of the vessel. The towing
18 spring, or hawser, on the port bow of the vessel would go
19 to the second Saint John tugboat, and the Irving tugboat,
20 I would tell him to stand off from the vessel until I was
21 clear of the dock, and then I would beckon him to come
22 alongside, at which time the Saint John forward tugboat
23 would let go his hawser. The two tugs, which would be
24 Saint John and Irving, would then come alongside under the
25 port bow, and assist in pushing her bow around to starboard
26 to complete the swing.

27 THE CHAIRMAN: They are starboard side to
28 then? You are obliged to turn them in the harbour?

29 THE WITNESS: Yes sir. The tankers are laying
30 starboard side to the dock, heading north. They come off



1 stern first, with the port quarter going swinging.

2 Q. So you will have your two tugs pushing on the
3 starboard bow?

4 A. The port bow once we have cleared the dock.

5 Q. Yes, and up till that time the Irving tug
6 won't do anything?

7 A. No sir.

8 Q. She would be standing by?

9 A. Normally, no.

10 Q. But she would be standing by?

11 A. Oh, yes, standing by, right. Following the
12 ship in case she is needed.

13 Q. And when they are pushing your bow, as you
14 explained, do they use a tow line?

15 A. No sir. They would sometimes. They wouldn't
16 put any lines up. Other times they would put their lines
17 up to the ship. It would be up on probably the break of
18 the forecastle, or on the fairlead just on the shoulder .

19 Q. Have you ever had any difficulty with Irving
20 tugs doing that manoeuvre?

21 A. Yes.

22 Q. You did?

23 A. Yes.

24 Q. Would you recall the details of these difficul-
25 ties?

26 A. Numerous times they would be approaching to
27 come alongside to put their bow against the ship, and
28 a miscalculation of the way on the tugboat, I suppose
29 you would call it, she wouldn't get the way off in
30 sufficient time, and she would strike the vessel.



1 Q. And you have never seen a Saint John tugboat
2 striking a vessel?

3 A. Not to any extent, no.

4 Q. Not to any extent, but it has happened?

5 A. Not to the extent that you would feel it on
6 the bridge.

7 Q. So you would feel that on the bridge, a tug-
8 boat striking alongside?

9 A. If they hit hard enough, yes, as they have---

10 Q. Would you be surprised if I told you that at
11 the inquiry into the "TRITONICA" case the 'First Mate' of
12 the "TRITONICA", I believe, or one of the crew members,
13 one of the officers of the "TRITONICA", said that they
14 hardly felt the blow?

15 A. It is very possible.

16 Q. Very possible?

17 A. Yes, under that particular condition of the
18 ship, yes.

19 Q. And you would feel the blow of a small tug
20 against the hull?

21 A. With a vessel in ballast, yes.

22 THE CHAIRMAN: I think he is trying to get
23 expert advice there, because he is one of the lawyers in
24 the case.

25 Q. When you are docking Irving tankers you use
26 strictly Irving tugs?

27 A. We do now, yes.

28 Q. Where do you position your tugs then?

29 A. The normal procedure going into that berth,
30 if you are going into what we refer to as the new Irving



1 crib dock, which the ship would be going portside to the
2 dock, you would position the tugs one under the starboard
3 bow, one under the starboard quarter alongside, with the
4 tow boats' lines up. In other words for pushing or pulling
5 back.

6 Q. You would use two tugs docking?

7 A. Two tugs, yes.

8 Q. Have you experienced difficulties in docking
9 Irving tankers with Irving tugs?

10 A. Yes I have.

11 Q. Would you care to elaborate on these difficul-
12 ties?

13 A. I believe I also mentioned it the last time.

14 Q. Would you elaborate again?

15 A. Well, I can't remember the dates, but I can
16 remember the instances. It was the "IRVING GLEN" coming
17 in from outside, and I had the "IRVING TEAK" under the
18 starboard bow, and the "IRVING OAK" under the port, excuse
19 me, under the starboard quarter, approaching the Irving Oil
20 crib dock I would say, and as we were approaching the dock
21 coming up the channel, making a swing to the dock, there
22 was no wind, it was a dead calm. It was at night making
23 the approach, and I considered it was a very nice approach,
24 and if everything had of gone well she would have gone
25 alongside.

26 I blew to the forward tug one blow with my
27 mouth whistle, or pocket whistle, and I blew one blow of
28 the ship's whistle for the after tug. The effect of this
29 would be for them to push the ship alongside, and just
30 about then a squall of wind came up on the port quarter of



1 the ship. The ship was light, in ballast---

2 Q. From which direction?

3 A. I would say west, or west-north-west, which
4 would be pretty well abeam of the ship.

5 I then blew -- the effect of this was that the
6 port quarter, or the starboard quarter, the stern of the
7 ship, was going down to leeward. The tug wasn't pushing
8 strong enough to hold her up into the wind, with the
9 result the bow was coming into the dock. So I blew one
10 blast of the mouth whistle to stop the forward tug from
11 pushing. He stopped, and at the same time the after tug
12 blew one blow and stopped. The result was that the wind
13 took charge of the vessel, so I immediately got a hold of
14 the bull horn, and I ran over to the starboard wing of
15 the bridge, and I hollered at the Captain to give her full
16 ahead, to push, and at the same time, I had one of the
17 officers on the bridge blow one blow of the ship's whistle,
18 to push her in.

19 By this time the wind had more control of the
20 vessel than the tug had, so I had to use the engines, the
21 ship's engines, and to assist on the hard astarboard and
22 half ahead on the ship, to help bring her up into the wind,
23 and on this occasion we almost struck the ship that was
24 at the fertilizer pier.

25 Q. Now, how long ago did that happen? In the
26 1963 season, the 1962 season?

27 A. It might have been the late fall of '62, or
28 the, like say November, December 1962 or January 1963.

29 Q. Now, do you know how many times the Irving
30 Oil tankers come in and out of Courtenay Bay?



1 A. They come in and out very numerous times. I
2 couldn't tell you exactly how many.

3 Q. Did you have occasion to pilot them several
4 times?

5 A. Oh, yes.

6 Q. You did?

7 A. Yes.

8 Q. Now, when you pilot them, I understood you to
9 say you always used Irving tugs?

10 A. We have been instructed to use Irving tugs.

11 Q. And is that the only incident which happened?

12 A. The one that I just related to you?

13 Q. Yes?

14 A. No, there have been others. Yesterday for
15 example I was shifting the "IRVING DALE" from what I call
16 the old Irving dock. The ship would be laying starboard
17 side to the dock, a dead ship, no main engines. As I got
18 the order from the pilot office, they told me that there
19 would be three of the big Irving tugboats to assist in
20 taking the ship from the Irving Oil dock to Pier 19. It
21 was later changed, the next day, to Pier 17 and 18. When
22 I got to the ship I would estimate the wind to be about
23 north-north-east, 25, 20 to 25 knots.

24 Q. Yesterday?

25 A. Yesterday.

26 THE CHAIRMAN: It was quite a gale yesterday
27 I suppose.

28 THE WITNESS: Yes it was.

29 Q. What time was that?

30 A. The vessel was due to leave at three p.m.



1 Q. And you estimated the wind at 20, was it
2 again?

3 A. 20 to 25 knots. The tugs that arrived were
4 the "IRVING OAK", the "IRVING BEECH", and two of the
5 smaller Irving tugs, the "IRVING PINE", I believe, and
6 the "IRVING SPRUCE".

7 At this time I mentioned to the Captain, I said,
8 "Captain, this ship is flying light". The forefoot was
9 out of the water. I forget the afterdraft, it was about
10 19 feet, I believe, 19 or 20 feet. I mentioned to the
11 Captain that with this wind I wasn't quite too sure of the
12 capability of the two smaller tugboats, if they could
13 handle the vessel or not. I would have to put them up
14 under the bow, one tug would be lashed amidships, to be
15 used for getting the way off the ship, or assisting in
16 giving her way on. The other tug would be on a tow line
17 aft. He said: "Well, apparently that is the only tugs
18 that we are going to get," and I said: "Yes, apparently
19 that is", and he said "Well, what do you say we try it?
20 I think we will make it all right". I said "That is fine,
21 if you are willing to try it I am willing to try it too."

22 So we shifted the vessel. As we left the dock
23 the two forward tugs were on a line, or the two forward
24 towboats were on a line that was lowered down over the
25 port bow, the port stem, and he had it on his stem, the
26 stem of the bowboat. The other towboat had a line lowered
27 down from the forecastle head, the port shoulder of the
28 forecastle head, which he also had on his stem.

29 Q. Did you go down to see where the lines were
30 made fast on the tugboats?



1 A. No, I didn't.

2 Q. Did you see the forecastle of the tugs from
3 the bridge?

4 A. Yes I did, yes, they had it over the, it is a
5 bitt that sticks up on the stem with a horn through it.
6 They had it over there.

7 Now, as we were coming out I had to come out
8 from the dock, and as I was approaching the other dock,
9 which would be the entrance to the drydock, 17 and 18,
10 as you go down there we would be making a swing, in other
11 words, the after towboat would be pulling your ship's
12 stern to port, to get into the slipway, and bear in mind
13 that at this time the wind was on the starboard bow of the
14 ship. In other words, I didn't envision any trouble of
15 the bow going to port. The wind would push her around,
16 and I would imagine that any experienced towboat captain
17 would feel the same way. So therefore he would have his
18 tug following along the port side of the ship, which he
19 didn't do.

20 The ship was towing the two tugboats out, with
21 the result that as the wind got more---

22 Q. Had you given instructions to the forward tug
23 masters?

24 A. Yes sir. I told the two of them -- no, I must
25 correct that. I gave the instruction to the master of the
26 "IRVING BEECH", which would be Captain King, over the F.M.
27 radio and the "IRVING DALE", and asked him to pass the
28 instructions along to the other tugs.

29 Q. And where was his tug positioned?

30 A. The "IRVING BEECH", this was before the tugs



1 were even made fast. This is as they approached the ship
2 to get the instructions as to where to position themselves.

3 Q. What did you tell him exactly?

4 A. I told him to take a line on the starboard
5 quarter of the ship for the "IRVING OAK", to turn his tug
6 around, and put his bow out. In other words, the bow of
7 the tug to the stern of the ship, and lash up on the
8 midship section of the ship. To tell the "IRVING SPRUCE"
9 and "PINE" to take a line, one off the port bow near the
10 stem, the other on the port shoulder of the forecastle
11 head, and to follow the ship out alongside until such time
12 as I needed their assistance, and I would give them further
13 instructions.

14 Q. Yes, and what happened when you took the ship
15 from the wharf?

16 A. As we were leaving the wharf the after tug
17 was pulling the vessel out, and the two forward tugs were
18 laying there so they would be being dragged out by the
19 ship, with the result that the bow of the ship was going
20 to leeward, to port. It was going much faster than I
21 had wanted. The only position, the tugs were then sort of
22 around the stem of the ship, and on the starboard bow
23 slightly. The bow of the ship went back to starboard,
24 so the only way I could use the tugs was to give them two
25 blows of the mouth whistle, in other words, for them to
26 come astern, which would help to pull the bow of the
27 vessel back to starboard, which I did, and as I proceeded
28 out further, and we got clear of the buoy, the flow, the
29 wind took charge of the bow, and she started down.

30 The tugboats tried to get around to push on



1 the port bow, but they weren't able to. I had to let an
2 anchor go to fetch the ship, or to stop the ship from going
3 into the dock.

4 Q. Do you know the speed of these two tugs?

5 A. I have no idea.

6 Q. Do you know the speed of the Saint John tugs?

7 A. It would just be a guess.

8 THE CHAIRMAN: Would it be about the same?

9 THE WITNESS: The speed, I would say the speed
10 of the Irving tugs is more than the speed of the Saint
11 John tugs. That is the speed.

12 Q. What did you do before you became an apprentice?

13 A. I went to sea. I served my time at sea as an
14 ordinary seaman and then A.B.

15 Q. Did you get a ticket?

16 A. Yes.

17 Q. Which one?

18 A. Not before I became an apprentice, no.

19 Q. After you became an apprentice?

20 A. I could say after I finished my apprenticeship.

21 Q. What ticket did you get?

22 A. Mate home trade.

23 THE CHAIRMAN: We will recess for a few minutes,
24 and then we will resume the cross-examination.

25
26 ---A short recess.

27
28 MR. MCKELVEY: Your Lordship, I would like to
29 have Mr. Francis Quinn set aside for a few minutes. I
30 would like to call Pilot Allan Vallis because he has a job



1 this afternoon and will not be available later on today.

2 His evidence should be quite short.

3 THE CHAIRMAN: Very well.

4

5 ALLAN VALLIS sworn

6

7 DIRECT EXAMINATION BY MR. MCKELVEY:

8

9 Q. What is your occupation?

10 A. Saint John Harbour pilot.

11 Q. And your age?

12 A. 42.

13 Q. Your address also?

14 A. Champagne Heights, Saint John, New Brunswick.

15 Q. How long have you been a licenced pilot in

16 Saint John?

17 A. Since October of '61.

18 Q. And what experience, or what apprenticeship,

19 did you serve before becoming a licenced pilot?

20 A. Well, apprenticeship, actually no apprentice-
21 ship, but I did sail in and out of the harbour for roughly
22 about 15 years.

23 Q. In what vessels?

24 A. In Irving Oil tankers, the "OTTER HOUND", the
25 "ELK HOUND", and the "SEAKONK".

26 Q. What certificates did you obtain?

27 A. A Master Home Trade certificate.

28 Q. Did you have the Master Home Trade certificate
29 before you became a pilot?

30 A. Yes, since 1944.



1 Q. And you were the master of the "OTTER HOUND",
2 and these other vessels that you speak of?

3 A. That is right.

4 Q. What qualifications, or papers, did you have
5 to write to obtain your pilot's licence?

6 A. Well, I had to write an examination on various
7 subjects pertaining to the harbour of Saint John, currents,
8 and different things, courses, and the buoys.

9 Q. Now Mr. Vallis, did you have experience a
10 couple of weeks ago on a vessel called the "IRVING DALE",
11 which involved the use of tugs?

12 A. Well, I had an experience on the 17th of May
13 of this year with the "IRVING DALE". I got a line into
14 the wheel.

15 Q. Would you tell the Commission please what
16 happened at that time?

17 A. Well, the "IRVING DALE" was partly loaded,
18 and she was laying at number 17 and 18.

19 Q. Where is number 17 and 18?

20 A. Well, that is at the entrance to the drydock.

21 Q. That is in the Courtenay Bay area?

22 A. In the Courtenay Bay area, and I got word
23 that the ship was supposed to move from 17 and 18 up to
24 the Irving crib dock.

25 Q. That is just to the north of the drydock in
26 Courtenay Bay?

27 A. Just to the north.

28 Q. At the extreme northern end of the Courtenay
29 Bay channel?

30 A. That is right, and at the time I got the order,



1 approximately it would be half ebb tide. The tide was
2 about half falling, so I went out there, and I put the
3 "IRVING TEAK" on a line. I gave him a hawser from the
4 ship's starboard quarter, and I put the "IRVING BEECH"
5 under the starboard bow, and I told them before I started
6 what I wanted done.

7 I wanted the "IRVING TEAK" to pull me out,
8 and when I got out far enough I would signal for him to
9 pull my stern down the channel to enable the ship's bow
10 to come to port to proceed up to the dock.

11 So he pulled me out, and when he got out far
12 enough I gave him two short blasts on the ship's whistle,
13 to indicate that I wanted the ship's bow to come to port.
14 Ordinarily the tug would have to go to port to pull the
15 quarter over, so as soon as I blew the whistle he answered
16 and then I went ahead on the ship, I think half ahead,
17 I just forget that at the moment, and about the time that
18 I got the movement on the engine the Captain of the ship,
19 of the "IRVING DALE" said: "That tugboat just let go the
20 line".

21 Q. Which tug was this?

22 A. The "IRVING TEAK".

23 Q. He was on your starboard quarter?

24 A. Yes, with a towing hawser.

25 Q. Pulling you back?

26 A. Yes, and the ship still had a little sternway,
27 and as soon as the Captain said that the towboat had cast
28 off the towing hawser I stopped the engine, but it wasn't
29 quite soon enough, because about the same time the Second
30 Mate called up from aft and said that they had a line in



1 the propeller. So that of course I couldn't use my
2 propeller. I had to wait to see what the results of this
3 line, getting it clear and everything.

4 In the meantime the ship was just sailing
5 back, and her stern going to starboard, to eastwards,
6 over towards the breakwater. So eventually I figured she
7 has gone far enough. I didn't dare to let her go any
8 farther. So I said to the Captain: "We will have to cut
9 that line, or do something." So he called aft and said:
10 "Chop the line at the fairlead", where it went out through,
11 so I waited a minute or two. It seemed that long anyway,
12 and I didn't get any word back, so I told the Captain:
13 "You will have to do something", and the fellow called up
14 from aft and said: "We have no axe back here". So then
15 the First Mate had to leave the bridge and go down and cut
16 the line. And as soon as he said he had the line cut,
17 then we started ahead, with the result of course that
18 there wasn't enough line in the wheel to stop the propeller
19 moving. Had there been, I would have been ashore on the
20 breakwater.

21 That was just a misunderstanding on the tug-
22 boat.

23 Q. A misunderstanding of what?

24 A. Well, I won't say a misunderstanding of
25 signals if it was just that the fellow wasn't paying
26 attention, but he must have known them. I didn't want the
27 line let go.

28 Q. This was the Irving tug?

29 A. Yes.

30 Q. And, to construct again, he was pulling on the



1 starboard quarter?

2 A. Yes. He pulled me out of 17 and 18.

3 Q. And you gave him a signal to what?

4 A. Two blasts, to pull to port, and instead of
5 him pulling to port he just cast off the line.

6 Q. Now, we have heard a lot of evidence here from
7 other pilots, Mr. Vallis, about preference as to which
8 tugs to use, particularly in reference to super tankers.
9 Do you have any preference as to which tugs you use?

10 A. Yes sir. I would prefer the Saint John Harbour
11 tugs.

12 Q. Now, would you tell the Commission your
13 personal reasons for that preference?

14 A. Well, that is in my opinion one of the reasons
15 -- the personnel of the Irving tugs, they don't seem to
16 have the experience. They don't seem to do what you
17 want them to do, and in lots of instances they go right
18 opposite to just what you want them to do.

19 Q. What about the Harbour tugs? How do they
20 work?

21 A. Well, as I said before, I have been on the job
22 now roughly two years, and in that short period I never
23 had any trouble with any Harbour tugs with anything that
24 I wanted them to do. They were always standing by, and
25 more or less waiting to get that order by the looks of
26 things.

27 Q. When you were master of tankers coming in
28 here did you use tugs on any of those vessels?

29 A. No, I never used, I don't think, any tugs
30 coming in or going out, with the exception of going up or



1 down through the Reversing Falls.

2 Q. And of course the vessels of which you would
3 be master would be smaller vessels?

4 A. They were smaller vessels. They would be only
5 like tugboats themselves.

6 Q. The "OTTER HOUND", for example, is much
7 smaller than the tankers like the "IRVING DALE", and so
8 forth?

9 A. Yes, there is no comparison whatsoever.

10 Q. So you wouldn't have that problem?

11 A. No.

12 Q. Now, supposing you go on a ship, do you
13 advise the captain regarding tugs?

14 A. Well, no I haven't because it is, so far, any
15 job that I ever had, it was always understood before I
16 went to the job what tugs I would get.

17 Q. So you personally have never been asked to
18 recommend?

19 A. So myself personally I was never asked to
20 recommend any tugs. This morning Mr. Walsh called me---

21 Q. That is Mr. Walsh who gave evidence here?

22 A. Yes. "PETROFINA" is anchored outside now and
23 it happened to be in my turn, and he called and asked when
24 to order the tugs, and I told him, and he said what tugs,
25 and I said the ones we used before.

26 Q. Did Mr. Walsh suggest to you that you use
27 four Irving tugs?

28 A. No, that was the whole conversation there.

29 Q. This use of two and two, as I understand it,
30 is your standard procedure at the present time is it not?



1 A. It is.

2 Q. But years ago when they first started to bring
3 the large tankers in, it was not two and two, was it?

4 A. Well, as I said before, when they first started
5 to bring them in I wasn't a pilot.

6 Q. Now, do you consider it, what do you consider
7 your duty as a pilot in regards to tugs and what tugs to
8 use?

9 A. Well, I consider my duty as a pilot to use the
10 tugs that I would in my opinion think as most adequate and
11 safe for the safe navigation of the ship.

12 Q. What would you consider it your duty to be if
13 you were told by the master of a ship, or by the ship's
14 agents, that you were to use certain tugs that you felt
15 weren't as good as others?

16 A. Well, if I were told by the agent, of course,
17 that I was to do it before, before I would do the job I
18 would discuss the thing with the Captain, and then if the
19 Captain -- I would advise him of course of what tugs I
20 think he should use, and then, it is his ship, and it is
21 entirely up to him. If he says: "Okay, we will just the
22 ones that the agent suggested", I would go along with him,
23 but it would certainly be against my better judgment to
24 use anything that I thought wasn't just proper.

25 Q. Now Mr. Vallis, dealing with the freshet
26 situation, did you ever have any experience in bringing
27 one of these tankers in during the freshet conditions
28 where you experienced difficulty due to the freshet?

29 A. Yes. Of course this is since I have been a
30 pilot. Last year I was on a probationary licence and I



1 didn't get involved into the larger tankers, but this
2 past spring---

3 Q. That was your first?

4 A. That was my first experience in the freshet
5 season, and of course, that was already brought out here,
6 that the larger tankers, the super tankers, didn't come in
7 during the freshet time, but we did have the "IRVING DALE"
8 and the "IRVING GLEN", and I don't just recall the dates.
9 It was, if I remember correctly, around the middle of May
10 of this year that the "IRVING DALE" finished lightering
11 the tanker "VENTURE", and it was the last of the cargo that
12 was aboard the "VENTURE", and of course it was a load for
13 the "IRVING DALE", and she was drawing 27 feet 6 inches,
14 so we started up the channel with her, oh, it was about
15 five o'clock in the afternoon, and it was high water.

16 As we were approaching the foul ground buoy,
17 we were coming up there with the engine on full ahead, and
18 when we started to make the swing to come to starboard, to
19 enter, I gave the order of course to starboard, and I think
20 I told him to starboard 20 degrees of rudder. So the
21 helmsman said he had 20 degrees on, and she didn't move.
22 So I said "Hard to starboard", and he answered of course,
23 and I watched the indicator. He had her over hard to
24 starboard, and still nothing happened, so I said to the
25 Captain "We will have to ring down again full ahead". So
26 they rang down a double ring, which in the engine room
27 they understood that we needed more power, so they gave
28 us everything they had. The ship just kept on sailing
29 right straight up for the buoy. I think it is 63-J,
30 just inside of 54-J there, the foul ground buoy.



1 Q. That is a black spar?

2 A. This is a black spar, and she sailed up until
3 I lost sight of the buoy underneath the ship's bow. By
4 that time of course the Captain he was sort of feeling just
5 as worried as I was over the whole thing, but before we
6 got too far she started to answer the helm, and we just
7 went up alongside the buoys, and there is nothing to brag
8 about, let us say. We just cleared them.

9 Q. That would be due to the heavy current running
10 out?

11 A. Yes, on our port quarter, which would not allow
12 the ship's bow to swing to starboard. There was current
13 enough on our port quarter that the rudder had no effect
14 on the ship whatsoever.

15 Q. And that is an illustration of the type of
16 thing that you run into during the freshet season?

17 A. That is an illustration, and the "IRVING DALE"
18 is not a large ship. She is an average tanker, diesel
19 powered.

20 Q. What sort of engine does she have?

21 A. I just don't know the name.

22 Q. She is a motor ship?

23 A. Yes.

24 Q. How would her propelling power compare with
25 that of some of the larger tankers?

26 A. Well, her propelling power in narrow waters
27 like that, it would have a better effect on the ship than
28 the larger tankers, of course, but as far as speed, the
29 larger tankers if she was out somewhere on the Atlantic---

30 Q. Well, I am thinking of power in regard to the



1 ability to make these manoeuvres?

2 A. Well, there would be no comparison that a
3 motor ship, with the "IRVING DALE" compared with one of
4 the bigger super tankers whatsoever. The super tanker
5 would certainly not handle where the "IRVING DALE" would.

6 Q. Do I understand correctly that the "IRVING
7 DALE", the ship that you had this experience with, would
8 be more manoeuvrable under those circumstances?

9 A. She certainly would.

10 Q. Why is it more manoeuvrable? Is it a
11 difference in the type of engines?

12 A. Yes, you get faster movement. You have got
13 greater revolutions than you would with a turbine ship.

14 Q. Some of the super tankers, are they not
15 turbines?

16 A. Some of them, most of them.

17 Q. And does the turbine engine not have the same
18 power in respect to manoeuvrability?

19 A. Well, it certainly hasn't got the same, I
20 wouldn't say the same power. On backing power you
21 certainly haven't got it. You can only get a certain
22 percentage going astern, but with the motor ship you can
23 get just about the same astern as you would ahead.

24 Q. But the super tankers, of course, would be
25 I suppose longer and deeper?

26 A. Well, they would be roughly, most of them are
27 over 200 feet longer than that "IRVING DALE".

28 Q. Would it be possible in your opinion under
29 the conditions that you observed on the occasion that
30 you have told us about, would it be possible to bring one



1 of these large super tankers in?

2 A. Well, I certainly wouldn't like to try it
3 myself.

4 Q. Why not?

5 A. Well, that is an illustration there of what
6 took place on a smaller ship, so had it been a larger ship,
7 of course I would have had the ship ashore.

8 Q. You would have run aground?

9 A. I would have went aground.

10

11 CROSS EXAMINED BY MR. GILLIS:

12

13 Q. Mr. Vallis, I have forgotten what you told us
14 here. You told us here you were master of several ships.
15 One was the "OTTER HOUND", was it?

16 A. That is right.

17 Q. What were the other two?

18 A. Well, I didn't say several sir. I just said
19 I was master of two, the "OTTER HOUND " and the "SEAKONK".

20 Q. Were you the master of the "OTTER HOUND" in
21 1952?

22 A. I think it was 1952 I left the "OTTER HOUND"
23 and went to the "SEAKONK".

24 Q. Were you the master of the "SEAKONK" in 1957?

25 A. I was the master of the "SEAKONK" in 1957, but
26 at certain periods throughout the year I wouldn't be on
27 her. I would be on a short vacation.

28 Q. Both the "OTTER HOUND" and the "SEAKONK" as I
29 understand had accidents in the Reversing Falls. Do you
30 recall those cases?



1 A. Yes, I recall it.

2 Q. You were the master of the "OTTER HOUND" in
3 1952, when she had the accident in the Reversing Falls?

4 A. That is right.

5 Q. Was it your fault that that accident occurred,
6 as master?

7 A. No, I wouldn't say that.

8 Q. On May 20th 1957, were you master on the
9 "SEAKONK" when it hit Split Rock?

10 A. Yes, I was the master there then.

11 Q. Was it your fault as the master, that you had
12 that accident?

13 A. No, it was certainly not my fault.

14 Q. On both those occasions, "OTTER HOUND" in
15 February 1952, and "SEAKONK" in May 1957, there were pilots
16 aboard your ship were there?

17 A. There was a pilot aboard at the time.

18 Q. And I would take it that you, as the master,
19 were relying on the pilot to take the ship through safely?

20 A. I was relying on the pilot, and I was also
21 watching what the pilot was doing.

22 Q. My question was, you were relying on the pilot?

23 A. Yes. If not I wouldn't have ordered him.

24 Q. And on both those occasions an accident
25 occurred with the ship?

26 A. That is right.

27 Q. When you were the master of the "OTTER HOUND",
28 or the "SEAKONK", and came into Saint John Harbour, who
29 ordered the tugs?

30 A. We didn't require tugs.



1 Q. You used tugs going through the Reversing
2 Falls?

3 A. Yes.

4 Q. Was it your decision as master what tugs they
5 should use?

6 A. Well, at that time I don't think it was anyone's
7 decision, that the Irving Oil Company just had the tug,
8 a certain tug available for us. I forget her name now.
9 She was lost a short while ago.

10 Q. Am I correct that the master is responsible
11 for the safe navigation of the ship?

12 A. You are correct.

13 Q. And you were satisfied with the use of the
14 Irving tugs?

15 A. Well, I was satisfied with the use of that
16 one, because we certainly didn't require too much assist-
17 ance from the thing. We just needed it lashed alongside.

18 Q. This was on more than one occasion that you
19 would use Irving tugs?

20 A. Well, it would be on more than one occasion,
21 but at the same place all the time.

22 Q. And you were satisfied with the use of the
23 Irving tugs?

24 A. I was satisfied with the use of that one tug.
25 There were no Irving tugs. It was just one.

26 Q. Which tug was it?

27 A. I can't recall the name. She was lost coming
28 around from Liverpool, Nova Scotia.

29 Q. And you found the crew of that tug experienced
30 and competent did you?



1 A. I didn't have very much to do with the crew.

2 Q. Just the master. You found him experienced
3 and competent?

4 A. I did.

5 Q. I think you have given us an illustration
6 today where I think the words you used with regard to the
7 "IRVING DALE" on the 17th of May was a misunderstanding,
8 is that correct, as to the signals and so on, and the
9 lines cast off?

10 A. Well, in my opinion at the time I thought it
11 was a misunderstanding, but when I blew two blasts he
12 answered me with two blasts.

13 Q. Well, you did use this morning the word mis-
14 understanding here didn't you?

15 A. Well, if I used it I was confusing I guess.

16 Q. Well, would you agree that it was a misunder-
17 standing?

18 A. Well, no, in one sense I wouldn't, because
19 if it was a misunderstanding the fellow should have blown
20 the proper signal that he was going to cast off the line.

21 Q. Well, let's just assume. Have you ever had
22 any misunderstanding with the Saint John Tugboat Company?

23 A. No, as I stated before, though probably if I
24 was on the job for twenty years I might have.

25 Q. But you have never on any occasion had any
26 misunderstanding?

27 A. Never in the short period I have been on the
28 job. I have never had a misunderstanding, no.

29 Q. I think you said this morning that there were
30 lots of instances with the Irving tugs that you have had



1 difficulties?

2 A. I said this morning?

3 Q. Well, you put it this way. You said that the
4 personnel, or masters, weren't experienced of the Irving
5 tugs. Didn't you say that?

6 A. In my opinion that is true.

7 Q. And you also said there was lots of instances.
8 Now, you have told us one. Can you tell us any more?

9 A. Yes sir. I can tell you another one. At
10 two o'clock in the morning on August the 12th, that is a
11 Monday morning, I went out to bring in the "IRVING DALE",
12 and at the time that I went to go to the job I thought
13 that I would have the two Irving tugs, "IRVING TEAK" and
14 "IRVING BEECH" or "IRVING OAK" and "IRVING BEECH", what is
15 most generally used, but when I went to go aboard the ship,
16 and when the tugs started to come alongside, I noticed
17 that it was the "IRVING BEECH" and two small ones. So I
18 asked Captain Chisholm what the story was on the tugs, and
19 he said: "That is all we had available". I don't know
20 where the other ones were, so I put the two small ones
21 forward under the starboard bow, and I think the way they
22 made fast there, they came alongside and I told them to
23 put a line on, and the other tug tied on, one tug, tied on
24 alongside of the other.

25 So I was approaching the dock but the bow of
26 the ship of course was quite a little distance from the
27 crib, so I needed a little assistance to push my bow over
28 to port. So I blew one blast on my mouth whistle, to
29 indicate to the tugs that I wanted them to push, which as
30 soon as I blew both tugs blew their whistles and started



1 pushing.

2 The ship was in ballast, and light, and as
3 soon as they started to push, and the ship started to move,
4 I blew for them to stop, because I didn't want them to
5 push too hard, but they didn't stop. They just kept on
6 pushing, with the result that I had to go on the starboard
7 wing of the bridge and blow about four times, and event-
8 ually I got them to stop.

9 THE CHAIRMAN: That was a mouth whistle?

10 THE WITNESS: Yes, and of course by that time
11 they had me going down on the crib a little too fast, so
12 I gave them two blasts then, to come astern to stop the
13 swing of the ship. They answered the two blows, and just
14 pulled their telegraphs down to full astern, and they
15 didn't stop to tauten the line, but they snapped it, and
16 I was left with no tug.

17 I didn't do no damage of course, but if the
18 ship was heavy---

19 THE CHAIRMAN: How do you explain that they
20 didn't acknowledge your first whistles?

21 THE WITNESS: Well, I think sir it was owing
22 to both tugs were there together, tied side by side, and
23 I don't know if you have ever had the experience, or ever
24 saw them or heard them, but they are very noisy, especially
25 when they are going full speed, and I would doubt very
26 much if they could hear the ship's whistle, much more the
27 mouth whistle, but I think that the skipper of the tug
28 should realize that, and be watching for the pilot, to see
29 what the pilot wanted done in case he couldn't hear what
30 the signal was. But in this case neither one of them was



1 looking back towards me on the wing of the bridge, and the
2 lights from the Irving crib had the ship well lighted up.
3 It was just as light as it would be in this room right now
4 in the wing of the bridge. They didn't have any excuse
5 that they couldn't see me. They were just not looking
6 towards me.

7 THE CHAIRMAN: I would gather from that that
8 the whistle signal wouldn't be adequate, because it is
9 very liable not to be heard.

10 THE WITNESS: Well, so far it seems to work
11 with other tugs, the Saint John tugs.

12 THE CHAIRMAN: Maybe they have not the same
13 noise incidence there.

14 THE WITNESS: Well, no they don't have the
15 same noise.

16 Q. Well, do I understand your explanation, Mr.
17 Vallis, is that perhaps those tugboat masters did not hear
18 your whistle? Is that what you indicate?

19 A. Well, that could be, but as I said before an
20 experienced man on the job should have realized that with
21 the noise from his exhaust there would be the possibility
22 that he wouldn't hear the whistle, so he should be watching
23 the wing of the bridge to see what the pilot wanted.

24 Q. Well, in any event if they didn't hear you,
25 you would agree that they wouldn't know what you wanted
26 done, wouldn't you?

27 A. Well, they didn't know what I wanted done,
28 and they didn't seem to be interested in what I wanted
29 done.

30 Q. You said here earlier that there were lots of



1 instances where these tugboat masters didn't do what you
2 wanted them to do. Now, tell me any other illustrations?

3 A. That is two.

4 Q. Well, that is assuming that they knew what
5 you wanted done. You said there were lots of instances,
6 and that is what I am asking you?

7 A. Well, probably I went too far if I said lots
8 of them.

9 Q. I am inclined to think so.

10 A. But I know of another one, where I took a
11 piece of a ship, the "IRVING BROOK", just the middle
12 section, from the inside of Broad Street wharf over to the
13 drydock. I had the "IRVING BEECH" ahead of the piece on
14 a line, towing it. I had the "OCEAN HAWK" tied up along-
15 side to act as steering power, and also to act as power
16 to push her ahead, and I gave Captain Chisholm a line from
17 the after section, in order to come along behind me keeping
18 position to keep the bow of the ship fair and straight
19 for going into the drydock, as I had to put it right
20 into drydock. So I got out on Courtenay Bay and Captain
21 Chisholm, instead of getting right astern of me, he got
22 over on my starboard corner, I would call it. It was not
23 the quarter, because there was no quarter to it. He was
24 laying right broadside with the result that I towed him
25 all the way across Courtenay Bay with the tugboat right
26 down on her side, and he couldn't straighten her up or
27 he didn't know enough to straighten her up. I don't know
28 what the story was there. And the line got caught on a
29 piece of metal on the deck. It was a wire cable, and when
30 it slipped clear it struck one of the fellows from the



1 Saint John drydock, and threw him probably 20 feet across
2 the dock, and I would say certainly an experienced man
3 wouldn't let his tugboat get in that position.

4 Q. Did you know Captain Chisholm before you
5 became a pilot?

6 A. Yes sir.

7 Q. He has has considerable experience in Saint
8 John Harbour has he not?

9 A. Well, since he became, oh, I would say since he
10 became skipper of the tugboats, that would be my opinion
11 the limit of his experience. Before that---

12 Q. How long would that be?

13 A. I can't recall how long he has been skipper of
14 the tugboats because when I was there with the Irving
15 Oil Company for about four years I didn't know Captain
16 Chisholm at all. He was south then. He didn't come this
17 way at all.

18 Q. He is much more experienced today than he was
19 several years ago, before he became master of the tugboat,
20 isn't he?

21 A. Well, I would say so.

22 Q. And did you hear Mr. Quinn give his evidence
23 this morning?

24 A. Yes.

25 Q. He said that he considered Captain King to be
26 one of the best of the Irving tugmasters?

27 A. Well, that is my opinion also.

28 Q. You agree?

29 A. I think that of the skippers that is on the
30 Irving tugs that probably Captain King would be -- I don't



1 know whether it would be the most experienced, but he
2 seems to be the most reliable man that you can depend on
3 here.

4 Q. With respect to the selection of tugs, I
5 think you told us this morning of a conversation you had
6 with Captain Walsh with respect to bringing in a super
7 tanker?

8 A. That is right, just before I left the Pilots
9 Office this morning.

10 Q. And he asked you what tugs you would want?

11 A. He said to me: "What time will I notify the
12 ship that you will be going aboard?" and I told him the
13 time, and he said: "What time will I order the tugs for?"
14 And I told him that, and he said: "What tugs will I order"
15 and I said "The same as we have been using, two and two".
16 He thanked me, and that was it.

17 Q. So I take it then that the decision as to the
18 use of the tugs was yours, the pilot?

19 A. Well, if you would put it that way.

20 Q. Well, you said two and two?

21 A. I said two and two, sure.

22 Q. So you made the decision, did you not, as to
23 which tugs should be used?

24 A. Well, if I hadn't said two and two I don't
25 know what else tugs I would have got, because there is
26 no---

27 Q. There would have been nothing to prevent you
28 saying three of Irvings, would there, if you had wanted?

29 A. Yes, but I didn't want to, because---

30 Q. You, the pilot, made the decision as to what



1 tugs would be used, didn't you?

2 A. If you put it that way, yes. I told him, I
3 advised him what I wanted.

4 Q. You didn't advise him. You told him, didn't
5 you, two and two?

6 A. I said two and two, but if he wanted it
7 changed, but he didn't argue with me and say "Oh no, use
8 three and one".

9 Q. I understand you have been the pilot on a
10 number of Irving tankers, the "IRVING DALE", the "IRVING
11 GLEN" and the IRVING STREAM", a number of them coming
12 into Courtenay Bay?

13 A. Not the "IRVING STREAM". I never had the
14 pleasure.

15 Q. What tugs have you used in connection with
16 docking those tankers?

17 A. The "GLEN" and "DALE", I used the "BEECH" and
18 "TEAK", or---

19 Q. You always used Irving tugs, didn't you?

20 A. Two Irving tugs.

21 Q. You didn't recommend to those masters what
22 tugs they should use, or tell them what to use?

23 A. I don't recommend, because we are told what
24 to use.

25 Q. You have been a pilot since October 1961?

26 A. Yes.

27 Q. In using Irving tugs exclusively you have
28 never had any accidents, have you?

29 A. Not accidents, but close enough to it.

30 Q. I am asking about accidents. You have never



1 had any, have you?

2 A. No, not an accident, anything serious that
3 would be reported. I have been worried lots of times.

4 Q. I presume you have also been worried when
5 you have been using tugs of the Saint John Tugboat Company
6 too, have you?

7 A. Well, not---

8 Q. Just answer my question. Have you ever had
9 any worries when you used tugs of Saint John Tugboat
10 Company?

11 A. There is always a worry when you get aboard
12 a ship, but not regarding the tugs.

13 Q. You have read the brief filed here by the
14 Saint John Pilots?

15 A. Yes sir, some time ago.

16 Q. Do you agree with the contents of it?

17 A. I do.

18 Q. It is stated in the brief, I read it this
19 morning, perhaps you heard me, that the pilots order tug-
20 boats. Is that true?

21 A. Well, if you would call it ordering tugboats,
22 I just told you what my conversation was with Mr. Walsh,
23 and that is what we do.

24 Q. Well, would it be correct to say that from
25 this brief, with which you agree, you, and when I say you
26 I mean the pilots are seeking to have a surcharge of one
27 cent per ton imposed on the super tankers of over eight
28 thousand?

29 A. Well, that is there in the brief.

30 Q. With which you agree?



1 A. I agree.

2 Q. So you are picking out one particular type
3 of ship?

4 A. Well, it says over eight thousand tons and
5 anything over eight thousand net tons, there is not too
6 much that comes in here, except the super tankers. So
7 there is not much else that we can indicate.

8 Q. So, wouldn't you agree that you are really
9 discriminating against these super tankers?

10 A. No, not necessarily.

11 Q. Well, those would be the only ones responsible
12 for paying such dues, wouldn't they?

13 A. Sure, they are the only big ships. The
14 bigger the ship the bigger the responsibility.

15 Q. And would you agree with what Mr. Quinn indic-
16 ated this morning, that the establishment of this refinery
17 has resulted in very substantial financial advantages to
18 the pilots?

19 A. It certainly has.

20 Q. And it would be the refinery then that would
21 bear this increased cost in pilotage dues which you now
22 seek, wouldn't it?

23 A. Well, I am not in the business. I don't know
24 who pays the bills.

25 Q. Well, would you agree with this state-
26 ment, that it is because of the pilots' recommendations,
27 or whatever you call it, that the Irving tugs aren't used
28 exclusively in the docking and undocking of the super
29 tankers?

30 A. Well, no, I would say it is not solely



1 because of the pilots, but there is not enough of them
2 Irving tugs to do the job, even if in the pilots' opinion
3 they thought that the---

4 Q. Well, let us say more of the Irving tugs
5 would be used then, if they are not enough, in docking
6 the super tankers if it was not for the pilots. Wouldn't
7 that be fair?

8 A. Well, everyone seems to think so.

9 Q. When you say everyone seems to think so, who
10 do you mean? The pilots?

11 A. Well, as far as I can gather from this
12 inquiry, that the Irving interests seem to think so also.

13 Q. That is not unusual under the circumstances
14 is it?

15 A. No.

16 Q. Are you aware that the refinery was obliged
17 to engage the "ROCKSWIFT" from a tugboat company on a
18 standby basis at \$450.00 a day?

19 A. No sir, I was not aware of that.

20 Q. No, of course you as master of the "OTTER
21 HOUND" and the "SEAKONK", I suppose, would have some
22 knowledge of docking charges in various harbours?

23 A. Well, I would have an idea of what it would
24 cost.

25 Q. Don't you think that for a shipping company
26 to be required to pay \$450.00 a day for a standby charge
27 for a tug it is a very exorbitant and unreasonable charge?

28 A. Well, again I had nothing to do with that.

29 Q. But don't you agree that it would be a very
30 excessive charge?



1 MR. MCKELVEY: The witness has already said
2 he doesn't know anything about it My Lord.

3 THE WITNESS: It all depends what they would
4 have the tug standing by for.

5 Q. For the docking of super tankers.

6 A Well, I didn't even know they had the thing.

7 Q. Well, wouldn't you agree that if a company
8 were obliged to pay a standby charge of \$450.00 a day
9 over a period of a year at least, that would be \$160,000.
10 It is a tremendous sum isn't it?

11 A. Someone must have agreed to that before they
12 chartered the thing, which I didn't know anything about,
13 and had nothing to do with it.

14 Q. Would you agree with this, and you are after
15 all a pilot here, that there was considerable delay in
16 docking some of these super tankers?

17 A. There certainly was.

18 Q. And I suppose you agree a delay would mean
19 a serious financial loss to the company?

20 A. I am quite aware of that, but at no time was
21 these tankers delayed because it was a pilot's fault.

22 Q. Mr. Vallis, as I understand, you have never
23 had occasion to bring a super tanker in, have you? You
24 yourself as a pilot?

25 A. Oh, yes I have.

26 Q. But never during freshet season?

27 A. No, and no one else has.

28 Q. Are there more experienced pilots than you
29 that have on occasion brought them in during freshet
30 season?



1 A. Well, there was one, and I was right beside
2 the pilot on the ship that was doing the job.

3 Q. Was it brought in?

4 A. Yes, after it was lightened.

5 Q. Who was the pilot?

6 A. Ronald Cobham.

7 Q. And he didn't have an accident?

8 A. No, but the job was nothing to play around
9 with, and I don't think he would try it again.

10 Q. But he brought it in?

11 A. Yes, after it was lightened.

12 THE CHAIRMAN: What was that?

13 THE WITNESS: After the ship had been lightened
14 by the "IRVING DALE", I think it was.

15 THE CHAIRMAN: To a great extent?

16 THE WITNESS: Well, I think it would be
17 probably ten or twelve feet draft.

18 THE CHAIRMAN: From what?

19 THE WITNESS: From 33 or 34, whatever the
20 ship's draft would be, to the twenties somewhere.

21 Q. You have been going in and out of Saint John
22 Harbour as the master of a ship for some years, I gather,
23 before you became a pilot?

24 A. That is right, about ten years.

25 Q. And you, I presume, would be quite well
26 acquainted with the problems of shipping in the vicinity?

27 A. I am quite aware.

28 Q. Would you agree with this, Mr. Vallis, that
29 accumulation of excessive charges for pilotage dues, and
30 unreasonable rates for tugboat services, and delays in



1 docking super tankers, could result in driving such tankers
2 out of the harbour?

3 A. No sir, I wouldn't be aware of that.

4 Q. So, insofar as the costs are concerned, it
5 doesn't matter at all to the shipping industry?

6 A. Well, it certainly does matter, but in all
7 Courts there is a certain amount of cost involved with the
8 pilotage and tugboats and everything, but here in Saint
9 John, owing to this freshet that is something that the
10 pilots can't control, they do have a greater delay than
11 they would in the port of Halifax.

12 Q. But at least they are asking for an increase in
13 the pilotage dues on these super tankers, and you say they
14 have no control over it?

15 A. They are asking for an increase because it is
16 a big job and responsibility.

17 Q. And the selection of tugs would have no
18 effect on the charges that the refinery would pay?

19 A. Well, I have nothing to do with that again.
20 I don't know who pays for the tugs and regardless of what
21 tugs, you would still have to use four tugs, and pay for
22 four.

23 Q. Well, let's put it this way. Do you invariably
24 recommend or order the Saint John Harbour tugs in prefer-
25 ence to Irving tugs?

26 A. Well, I never order them, but I do prefer
27 the Saint John Harbour tugs.

28 Q. Do you recommend them to the masters?

29 A. As I said before, I never had the opportunity
30 since I have been there as a pilot so far, I have never



1 mentioned to the master about a tugboat at all, because
2 it was always understood before I went to the ship what
3 tugs I would get.

4 Q. What do you mean, it was understood? Between
5 whom?

6 A. Between myself and the agent, who would be
7 the Kent Lines.

8 Q. Do I understand it then that you, the pilots,
9 and the agent, decide what tugs are to be used?

10 A. That is right.

11 Q. And Kent Lines agree with you that the Saint
12 John Harbour tugs should be used?

13 A. Kent Lines have never disagreed with me.

14 Q. Well, what would happen if they did disagree
15 with you, and said "No, you use Irving tugs"? What would
16 you do?

17 A. I would have to go out to the master.

18 Q. So you tell the master?

19 A. That we can't get anything except the Irving
20 tugs. I would prefer the Saint John tugs if we could
21 get them, but if we can't get them we will have to go
22 along in the best manner again, and it would be against my
23 better judgment to come in there.

24 Q. Why?

25 A. Because, as I have already stated, that I
26 figure that the personnel on the Irving tugs isn't exper-
27 ienced.

28 Q. Well, the reason for that is, I take it, that
29 you recommend, or prefer Saint John tugs only on account
30 of the inexperience of the master of the Irvings tugs. Is



1 that correct?

2 A. That is correct.

3 Q. No other reason?

4 A. I have no other reason myself.

5 Q. Has the use of tugs ever been talked over,
6 or discussed, amongst pilots when you were there?

7 A. I wouldn't say that.

8 Q. Have you ever discussed it with other pilots?

9 A. In my opinion I am just a junior pilot there,
10 and when I am going to a ship I would ask the advice of
11 a senior pilot, not only the Irving tugs, but also the
12 Saint John Harbour tugs. I have also asked them the
13 opinion of where to place tugs in going into certain
14 slips.

15 Q. I am asking though as to the selection of a
16 tugboat?

17 A. No, as I said any time I was going it always
18 happened as it did this morning.

19 Q. Have you ever talked over with the pilots
20 what tugboats or tugboat companies you would use?

21 A. No.

22 Q. Have you ever talked it over with the Super-
23 intendent of Pilots?

24 A. No, because it was always understood what
25 tugs I would get.

26 Q. Have you ever refused to take a vessel out,
27 or bring her in, unless you got the tugs you wanted?

28 A. No, the occasion never arose with me.

29 Q. Well now, did you ever read this letter, which
30 is Exhibit No. 422, written by Captain MacKinnon to



1 Captain Bigler, dated the 20th of December?

2 A. No.

3 Q. Did you ever hear about it?

4 A. I heard that letter here when the Commission
5 sat here in the---

6 Q. You were here then?

7 A. Yes.

8 Q. This letter was written on the 28th December
9 1961, and you became a pilot when?

10 A. October 16th 1961.

11 Q. So you were a pilot previous to this letter?

12 A. I was a pilot on probation

13 Q. Did the Superintendent of Pilots discuss the
14 use of tugs with you, and get your views?

15 A. Not with me personally at that time, because,
16 I was, as I said before, on a probationary licence, and I
17 was not handling any ships over three thousand tons.

18 Q. I notice it is stated here that the views of
19 pilots have not changed. He didn't ask your views?

20 A. That is the full fledged pilots, I should
21 imagine. He didn't ask probationary pilots.

22 Q. Do you agree with the contents of this letter?

23 A. Yes.

24 Q. And it is because of the reason stated here
25 that you do not use, or you would not recommend the use of
26 Irving tugs?

27 A. Well, that part of the letter there, and as
28 I said before it is the personnel that I---

29 Q. So you then, I take it, do not agree with the
30 contents of this letter?



1 MR. MCKELVEY: Your Lordship, I feel that with
2 reference to that letter it should be pointed out to my
3 learned friend that some manoeuvrability tests were made
4 on those ships later, and alterations made. He is referring
5 to a letter sent in December 1961, and questioning
6 pilots whether they agree with the comments there about
7 the manoeuvrability of the vessels. There was evidence
8 here that the rudders of the vessels were altered since
9 then, and the situation is not the same now as it was then.

10 Q. Let me put this to you then, Mr. Vallis. Do
11 you agree that there is nothing wrong with the manoeuvre-
12 ability of the Irving tugs?

13 THE CHAIRMAN: Now.

14 Q. Now?

15 A. So far I have never had any trouble with the
16 manoeuvrability of the tugs. It was just the personnel.

17 Q. Tell me who the personnel were you had trouble
18 with? Just Captain Chisholm?

19 A. Captain Chisholm and Captain King.

20 Q. But you did tell us here that Captain King
21 is probably the best one?

22 A. Yes, I would say he is the best one, but I
23 would say he is far from an expert at it.

24

25 CROSS EXAMINED BY MR. JACQUES:

26

27 Q. Mr. Vallis, do you go down to the pilot
28 station to keep this watch which is kept by pilots here
29 for movement control?

30 A. Yes sir, I am in that pilot office every day



1 at some time throughout the day I think. If I am off duty,
2 or on holiday, I don't go, but when I am around in my
3 home I am always in there once throughout the day, to see
4 what is going on. If I am not there I always telephone
5 to find out what is going on.

6 Q. I take it then that when you are on duty you
7 don't spend your whole time in the pilot station?

8 A. I don't spend my whole time. I go down. If
9 there is nothing due, nothing on the board, I go back
10 home, and I am always available at my home.

11 Q. When you are in the pilot station with the
12 other pilots surely it must happen that you have discuss-
13 ions among yourselves regarding your job?

14 A. We do. We have various discussions pertaining
15 to the job.

16 Q. Has the matter of Irving tugs ever been dis-
17 cussed among yourselves?

18 A. It has been discussed among ourselves, but
19 not directly pertaining to Irving tugs being no good, as
20 they seem to think, but we have discussed the use of the
21 Irving tugs.

22 Q. And I imagine that you, as a junior pilot, you
23 listen much more than you talk?

24 A. I sit back and listen to the senior pilots,
25 and more or less gather some of the advice from those
26 fellows.

27 Q. Previous to your becoming a pilot had you
28 ever had occasion to see the Irving tugs manoeuvre in
29 Saint John Harbour?

30 A. Prior to becoming a pilot?



1 Q. Yes?

2 A. Well, I have seen them, yes.

3 Q. You have?

4 A. Manoeuvring in Saint John Harbour, yes, but
5 that was not too much longer, because they have not been
6 around that long.

7 Q. When you saw them manoeuvring, were you able
8 to form an opinion of their manoeuvreability?

9 A. Well, on a couple of occasions I have been
10 standing in the pilot office looking out of the window,
11 and---

12 Q. I was talking about before you became a pilot?

13 A. Well, this was before I became a pilot,
14 because I was master of the pilot boat for just about two
15 years before becoming a pilot, and I have watched them
16 tugs manoeuvring in the harbour, and there were several
17 occasions when I didn't think too much of the manoeuvre-
18 ability, whether it was the fault of the tug or the man
19 that was handling the tug.

20 Q. Can you honestly and truthfully say that your
21 opinion on the Irving tugs at the time you obtained your
22 probationary licence was your own opinion, based on your
23 own observation?

24 A. I can say that.

25 Q. Before you became a pilot, just at the time
26 you became?

27 A. Before I became a pilot.

28

29 RE-EXAMINED BY MR. MCNEILTY:

30 Q. My Lord, I just have one question of Mr.



1 Vallis.

2 You made a statement in reply to questioning
3 by my learned friend, Mr. Gillis, that the super tankers
4 during the freshet season weren't delayed due to the fault
5 of the pilot. What was the reason for the delay, if it
6 was not the fault of the pilot?

7 A. Well, it was the conditions of the river.
8 It was not safe to bring the ship in there, and it was on
9 the pilot's advice that it wasn't brought in. If you take
10 that as the pilot's fault, well, okay, but in my opinion
11 it would not be the pilot's fault. It was just the pilot's
12 advice that it was not safe.

13 Q. Have you ever had to consider the problem of
14 whether a certain ship would have to be brought in during
15 this past freshet season, which was the first season you
16 were on duty as a pilot?

17 A. I never had to make one myself, because it
18 never fell to me to come to my turn to bring one in myself
19 in that time.

20 Q. One other question, in reply to my learned
21 friend, Mr. Gillis, you said that at one time when you
22 were master of the "OTTER HOUND" and the "SEAKONK" you
23 used some of the Irving tugs, and you found them satis-
24 factory?

25 A. Well, the only tugs that -- I didn't say some,
26 sir. I just said one. They just had the one available
27 at that time.

28 Q. What was that, the "GLENFIELD"?

29 A. Yes, that is the name that escaped me.

30 Q. Who was the master of the "GLENFIELD" at that



1 time?

2 A. Captain Ray Waters. He died since.

3 Q. Where did he get his training as a tugboat
4 captain, would you know?

5 A. Well, I wouldn't know that.

6 THE CHAIRMAN: Are there any further questions,
7 Mr. Gillis, Mr. Jacques?

8 We will recess until 2.30 this afternoon.

9

10 ---at 12.55 p.m. the hearing was adjourned until 2.30 p.m.

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1 --- Upon resuming at 2:30 p.m.

2

3 FRANCIS QUINN recalled.

4

5 RE-EXAMINED BY MR. MCKELVEY:

6

7 Q. Mr. Quinn, during your testimony, there was
8 some evidence about apparent lack of communication of
9 signals from the pilot on the bridge to the tugboat. I
10 think it would be useful if we gave the Commission what
11 the tugboat signals are that are used in this port now.

12 First of all take a ship going ahead, with
13 the forward tug out on a hawser. What are your signals
14 under those conditions?

15 A. A ship going ahead with a towboat out forward
16 on a towing line. I presume the after tug would be on
17 a towing line as well?

18 Q. Yes.

19 A. Well, for the forward tug the ship's whistle
20 would be used to signal the forward tug. If you want
21 the ship's bow to go to starboard you would blow one blow.
22 If you want the ship's bow to go to port you would blow
23 two blows, and if you want the forward tug to ease down,
24 you would blow three blows. If you want him to tow harder
25 you would blow four blows.

26 Q. Now, that is the signal to the forward tug,
27 and all these are done on the ship's whistle?

28 A. The ship's whistle, yes.

29 Q. What would be the signals under those cir-
30 cumstances to the after tug?



1 A. Similar to the forward tug, only you would
2 use a mouth whistle to communicate to the after tug.

3 Q. That is one blast, two, three blasts, and four
4 blasts, as you said before, only it is a mouth whistle?

5 A. That is right.

6 Q. Now, supposing the ship is going astern on
7 two tugs on hawsers, one on the bow and one on the stern.
8 What are your signals in those circumstances?

9 A. The signals would be the same, except that you
10 would use the ship's whistle for the after towboat.

11 Q. That is the one on the stern?

12 A. On the stern sir, and the signals would indic-
13 ate which way you would want the bow of your ship to go.
14 In other words, if you blew one blow, that would mean
15 you would want the bow of your vessel to go to starboard,
16 so naturally he would pull your stern out on the port
17 quarter.

18 Q. And the same two blasts would mean that the
19 ship's bow was to go to port?

20 A. Yes.

21 Q. And three blasts to ease down?

22 A. Yes.

23 Q. And four blasts to tow harder?

24 A. That is correct.

25 Q. Only in this case, with the vessel going the
26 other way, the signals are reversed. The ship's whistle
27 signals the stern tugs?

28 A. Yes.

29 Q. The hand whistle signals the forward tugs?

30 A. The mouth whistle, yes.



1 Q. The mouth whistle. Now, what is the situation
2 with a tug alongside of a vessel?

3 A. When the towboat is alongside of the vessel
4 you would use your mouth whistle to communicate with the
5 forward tug. One blow of the mouth whistle would indicate
6 for the forward tug to push. Two blows come astern.
7 Three blows to ease down on what ever manoeuvre he is
8 doing, and four blows would be to increase, more power.
9 If he is pushing, push harder. If he is going astern,
10 come astern harder.

11 The after towboat, you would communicate with
12 him the same signals, only using the ship's whistle.

13 Q. Now, do these whistles that you have been
14 giving for the tug alongside, does that apply regardless
15 of the direction in which the vessel is moving?

16 A. With the tugs alongside?

17 Q. The tugs alongside?

18 A. No, if the tugs were alongside and you were
19 going astern on the vessel, you would use -- yes, that is
20 right. You would use, going astern with the tugs along-
21 side, you would use the ship's whistle for the after tug,
22 and the mouth whistle for the forward tug.

23 Q. With the same signals?

24 A. If they are alongside, yes.

25 Q. What is the signal for the tug to cast off?

26 A. A long and a short.

27 Q. Are these tug signals known to the tugboat
28 captains?

29 A. Oh, yes.

30 Q. Are they known to the captains of the Irving



1 tugboats as well as the others?

2 A. Well, sometimes I don't know whether they are
3 or not, because they don't seem to do what signal you
4 give them. They don't seem to give you that. For
5 instance, if you gave them one blow, they might not, if
6 they were pulling, and you want them to push, they might
7 not push, they might not understand the signal. Sometimes
8 they do. Sometimes they don't.

9 Q. Now, Mr. Quinn, you were asked about delays
10 in handling these super tankers during the freshet season.
11 Can you elaborate on that a bit more, the manner in which
12 the pilots attempt to co-operate with the operators of
13 these tankers during the freshet season?

14 I believe you gave evidence before on this
15 occasion when you brought a ship in. I don't mean you
16 to repeat all that, but in general do the pilots co-operate
17 with the operators of the tankers to try and get them in
18 if conditions warrant it?

19 A. Oh, yes, I believe that the pilots co-operate
20 to the very best of their ability. They go out of their
21 way.

22 Q. What sort of thing do you do to co-operate?

23 A. Well, if the ship arrives today, and she is
24 docking on tomorrow's tide, we go out and talk with the
25 Captain about docking the ship, what time we think it would
26 be advisable to dock, or if it wasn't advisable to dock
27 we would advise him to this extent, rather than wait until
28 the next day, that you would be going out, and in that
29 way, by going out the day before, you would have things
30 pretty well lined up. You wouldn't be leaving it to the



1 last minute.

2 Q. Do you get the vessels in if you can, safely?

3 A. Oh, yes. We try. I would say we lean over
4 backwards to try to get the vessels in.

5 Q. What do you mean, you lean over backwards?

6 A. Well, there are a lot of times that you --
7 for instance, that situation I gave you the last time I
8 was testifying about the ship. I have forgotten her name
9 right at the moment. She was due to go into the Irving
10 crude oil dock. There was a vessel at the dock at the
11 time. Rather than wait laying at anchor until the dock was
12 clear, and then trying to come in, I got the ship under
13 way, and got her up to the buoy.

14 Q. And the Captain, I believe, was quite willing
15 to stay out there?

16 A. Yes, both Captain Bigler and the captain of
17 the ship said that as far as they were concerned take the
18 ship back to an anchor, and I told them, I said, well,
19 the ship has been here for quite some time now. Let's see
20 if perhaps we can't bring her in. We will hang on as long
21 we can.

22 Q. Dealing now with the tugboat situation, you
23 were asked by my learned friend, Mr. Gillis, whether you
24 ever complained to the owners of the vessels about the tug-
25 boats, to tell them why they were not satisfactory, and
26 you mentioned something about mentioning it to the Super-
27 intendent.

28 Now, what is the usual chain of communication
29 between you and ship owners? I mean in the organizational
30 set up that you have here, who do you report to?



1 A. As a rule I report to the Superintendent any-
2 thing that is out of the usual.

3 Q. Under normal circumstances would you go to
4 an owner if anything arose, or would you go to the Super-
5 intendent?

6 A. I would go to my Superintendent. I have also
7 complained to Captain Bigler of Standard Oil of California
8 about the use of cables.

9 Q. As I understand the situation, the normal
10 chain of communication is from you to your Superintendent,
11 the man you are responsible to?

12 A. That is correct, yes.

13 Q. You were also asked about the day when you
14 refused to undock a vessel, and reference was made to some
15 evidence that you had given previously.

16 What was your reason at that time for refusing
17 to undock the vessel? Do you recall that incident? Do
18 you recall what was said about that?

19 A. Yes. The reason for not taking the vessel
20 from the dock. I went aboard the ship and talked to the
21 Captain. There was a gale of wind blowing from the north-
22 west at the time. The Captain and I talked over the sit-
23 uation, and we both agreed that it was too windy to take
24 the vessel away from the dock. The result was the ship
25 was cancelled I think the next day.

26 Q. Well, apparently you were asked at that time
27 to use two Irving tugs and one Harbour tug?

28 A. Yes.

29 Q. Did you refuse to take it out with the two
30 Irving and one Harbour tugs, or did you just say it wasn't



1 safe to move at all?

2 A. I believe I said at the time, it was about
3 eight o'clock in the morning, Captain Walsh called me at
4 home concerning the movement of the ship, and I told him
5 the way conditions are right now, the wind blowing, I
6 would advise to have two Harbour towboats and one Irving.
7 He said "Would you consider taking it out with two Irving
8 and one Harbour?" I said "No, I wouldn't consider it, but
9 I will go aboard the ship and speak to the Captain about
10 it, and I will advise him as to what I thought was safe to
11 the ship".

12 Q. What decision did you and the Captain come
13 to?

14 A. I went to see the captain, and in the meantime
15 the wind had freshened, increased, and regardless of what
16 towboats were sent the captain and I arrived at the dec-
17 ision that it was blowing too hard to take the vessel away
18 from the dock.

19 Q. Tugs or no tugs?

20 A. Regardless of what tugs were in use it was too
21 windy to move the vessel, and the captain cancelled my
22 pilotage.

23 Q. You were also pressed to answer the question
24 as to who makes the decision as to which tugboats to use.

25 Now, who does make the decision? Does the
26 pilot make that decision, or someone else?

27 A. Well, normally it is the master. I would
28 advise the captain as to what I thought towboats needed to
29 dock or undock the ship, or for the safe conduct of the
30 vessel.



1 Q. One of the witnesses at the previous hearing
2 said that pilots should not have anything to do with tugs
3 and should stick to piloting. Have you anything to say
4 about that? Do you recall that?

5 A. Yes, I do recall it. Well, to my mind I would
6 think that that is what a pilot is there for, for the safe
7 conduct of the vessel. How is the Captain, who is a
8 stranger in the port, how is he supposed to know the cap-
9 abilities of a towboat, or how many towboats he would con-
10 sider for the job? That is why he employs a pilot, for
11 local knowledge.

12 Q. I take it that you consider that the advising
13 in respect of tugboats is part of your duty as a pilot?

14 A. I certainly do, yes.

15 Q. Now, my learned friend also made reference to
16 the accident ratio through the Falls. Do you know anything
17 about the accidents that these -- or incidents, let's call
18 them that, that these arriving vessels have had since they
19 stopped taking pilots?

20 A. Yes, there has been. I have not kept track
21 of them, but there has been numerous times going up through
22 there they strike at Split Rock, West Head, strike the
23 dock numerous times. I stood on the foot of Prince's
24 Street one day and watched the "IRVING LAKE" go ashore on
25 Navy Island for 25 minutes.

26 Q. Was there a pilot aboard there?

27 A. No.

28 Q. You of course don't keep any list of these
29 incidents?

30 A. No, I don't keep any record of them at all.



1 Q. How would you describe navigating into the
2 Reversing Falls, from the standpoint of, oh, ease of navig-
3 ation, or to put it another way, the navigational problems
4 of navigating in there, as compared with the rest of the
5 Harbour?

6 A. Well, there is no comparison. You are navigat-
7 ing in very confined waters. You always have a current
8 setting one way or the other. To my knowledge of all the
9 times I have ever been through the Reversing Falls, there
10 is no such a thing as slack water in the Falls. The
11 current is either going one way or the other, or it could
12 be numerous ways, so therefore you have to time it when
13 it is -- when you consider it is best to go through the
14 Falls. The time that you think would be the safest poss-
15 ible time to take a vessel either up or down, or wherever
16 she is going.

17 Q. But you always have a current one way or the
18 other?

19 A. You always have the current one way or the
20 other.

21 Q. I suppose if it is slack water you would find
22 slack water at the point at which the current changes from
23 going one way to the other?

24 A. Well, when you speak of slack water, when
25 the water is coming down from the river and the tide is
26 rising in the Harbour, until such time as it becomes level
27 with the level of the river, then the, let us say the
28 pressure of water in the Harbour becomes greater than the
29 river, and it pushes it up, but it is either going down
30 or going up.



1 Q. Is there ever a period when there is no current
2 at all in the Reversing Falls?

3 A. Not to my knowledge, no.

4 Q. Now, I believe that you were also questioned
5 as to whether your objection to the use of the Irving tugs
6 was based upon the personnel or on the manoeuvrability
7 of the vessels. Has the manoeuvrability of those vessels,
8 in your opinion, improved since the work was done on them
9 of which evidence was given here at the last time?

10 A. It has to a certain extent I would say, yes.

11 Q. Before the work was done what was your opinion
12 of their manoeuvrability?

13 A. Very poor, very poor.

14 Q. And what is your opinion now in respect to
15 manoeuvrability, apart from the way they are handled?

16 A. I think they have improved quite a bit in the
17 manoeuvrability.

18 Q. Now, in answer to my learned friend Mr.
19 Jacques you described the docking of a super tanker. You
20 put two tugs on the port bow and two on the port quarter?

21 A. Yes.

22 Q. You put them in as you are coming into the
23 Courtenay Bay channel?

24 A. Yes.

25 Q. You said that you put the Harbour tugs on first?

26 A. Yes.

27 Q. I think you referred specifically to the bow.
28 Why would you? Is there any particular reason for putting
29 the Harbour tug on first?

30 A. Well, the reason why I put it there is because



1 I know that I have a capable man, an experienced man, in
2 the tugboat, and when he gets his tug made fast, if I need
3 a push to help make the vessel make the swing to starboard,
4 then he is there to do it.

5 Q. Well, why wouldn't you put the Irving tug on
6 first?

7 A. I don't know where he would go through. He
8 might go in here, or he might go there, here, I don't know
9 where he would go.

10 Q. Taking the reverse situation, undocking the
11 tankers, where you are lying at the crude oil wharf, which
12 is roughly the north-south direction, you have to turn,
13 swinging your stern to the west, and head out of the
14 channel in a southerly direction. Is that approximately
15 the manoeuvre?

16 A. Yes.

17 Q. When you start that you told us you put two
18 tugs on hawsers, one at the bow, and one at the stern?

19 A. Yes.

20 Q. And you use two Harbour tugs for that, and
21 during that part of the manoeuvre the Irving tugs stand by?

22 A. Yes, that is right.

23 Q. Why do you put the Harbour tugs on the end of
24 the hawser, and why wouldn't you put the Irving tugs on it?

25 A. The captains of the Harbour tugs are more
26 experienced, and I feel that when you are moving off that
27 dock you are in a restricted area, very limited. If by
28 any chance the after tug boat should carry away, then if
29 you have a reliable man there he knows what to do. You
30 have got a chance to recover the mistake. If you have



1 somebody who is not inexperienced and quick in getting
2 back, very likely you would be on top of the breakwater.
3 The ship would be ashore. You don't have too much room
4 for second or third chances.

5
6 BY MR. JACQUES:

7
8 Q. Your system of signals confused me a bit,
9 and I don't blame the Irving tugs for being a little
10 confused also.

11 You use the ship's whistle to signal to the
12 tug which is going in the same direction as the ship. Is
13 that approximately it? If you have sternway, the tug which
14 is going in the same direction as the ship and is pulling
15 the stern, you use the ship's whistle?

16 A. You are speaking of a tug on a tow line now?

17 Q. On a hawser, yes?

18 A. If the ship is going astern, the after towboat,
19 in other words the after towboat is a sort of a lead tow-
20 boat. You use the ship's whistle. If you were going
21 ahead, the ship is going ahead with a towboat on a line,
22 you use the ship's whistle to the forward tugboat.

23 Q. What about now if your ship has no way?

24 A. She must be moving. She can't be stationary.

25 Q. Why not? Has it never happened that the ship
26 became stationary? Has it never happened that you went
27 from sternway to headway?

28 A. Quite possibly, but I still don't say it is
29 stationary. The ship isn't like an object on dry land.
30 It is always movable, or moving.



1 Q. Well, how does the tugboat know which is which?

2 THE CHAIRMAN: When you change from one
3 direction to the other?

4 Q. If you have sternway, the stern tug is pulling
5 the ship, and you use the ship's whistle?

6 A. That is right.

7 Q. You go through your gamut of signals, and you
8 stop the ship in the water?

9 A. Yes.

10 Q. Then you want to gather headway?

11 A. Yes.

12 Q. Which are you going to use?

13 A. The ship's whistle would be then used.

14 Q. The ship's whistle or the mouth whistle for
15 the stern tugs?

16 A. If the ship is going astern, as you explained
17 it, and you take the sternway off the ship, then the ship
18 starts to gather headway, then you would use the ship's
19 whistle for the forward tug, and the mouth whistle for
20 the after tug. This happens many times.

21 Q. So your ship has to gather headway before you
22 change your signals?

23 A. Well, yes. If I am backing out of a slip we
24 will say the after towboat is pulling. He is doing the
25 towing out, and I am using the ship's whistle for him.
26 Then we will say I am coming out of number 2 shed, backing
27 out, and then going bow in to number 3, so when I come out
28 the after tug boat is towing, and I use the ship's whistle
29 on that after towboat.

30 Q. At what precise moment does the stern tug, the



1 tug who is pulling, know that he is going to change from
2 ship's whistle to mouth whistle?

3 A. Well, I would imagine he can see the ship
4 picking up way. I would have to kick my engines ahead
5 to gather headway, so then the vessel would be moving
6 ahead.

7 Q. So he has to watch the ship to find out to
8 which whistle he is going to listen?

9 A. Certainly. I would say he has to have his tug-
10 boat in relation to the ship, have it in position.

11 Q. So if you have the tugboat and the ship moving,
12 or if you have the tugboat moving only, he would have to
13 get a bearing somewhere to find out which is moving?

14 A. If you have a tug moving and not the ship?

15 Q. And not the ship, or the ship moving. Haven't
16 you ever experienced that effect, standing in a railroad
17 car getting under way at a station? You know the car moves,
18 but yet the station appears to be moving?

19 A. Yes.

20 Q. Have you experienced that?

21 A. Yes.

22 Q. Do you think it is possible that this would
23 be experienced by a tugboat master?

24 A. Well, he must have a bit of knowledge to get
25 a lay of the land, and see if the vessel is moving in one
26 direction or another.

27 Q. That is what I wanted you to answer?

28 A. He must be keeping an eye on his own vessel,
29 to see which way it is moving.

30 Q. There has been a lot of talk about advising



1 masters in the use of tugs. You said, and all the pilots
2 said you don't order tugs. You advise masters of the use
3 of tugs and yet most of the evidence is confined to
4 telephone calls between agents and pilots.

5 How do you advise the master as regards tugs?

6 A. Well, if I am coming in on a vessel, I am
7 aboard the ship with the master, I would advise him then
8 as to what towboats to use, how many I would want, and
9 where I would like to have them placed. So the vessel has
10 to go out. Normally the procedure would be for the agent
11 to go down and find out when the ship would be going, when
12 the captain required a pilot, if the pilot required tow-
13 boats, and for the agent to order them.

14 Q. I see, but then you aren't in direct contact
15 with the master?

16 A. Not at that particular time, no.

17 Q. So when the discussion concerning tugs arises,
18 you aren't in contact with the master?

19 A. Not at that particular time, no.

20 Q. Reference has been made to various instances,
21 I think you were involved in one, when you received a
22 telephone call advising you that some ship was ready to
23 come in, and that there were three Irving tugs and one
24 Saint John tug, and you said "No, I want two Irving and
25 two Saint John tugs." Do you recall that?

26 A. Well, that is not -- I recall the incident,
27 but that is not quite the way it was, I don't believe. I
28 think you will find it in the transcript there.

29 Q. Well, I might read it just to make sure that
30 we have the right set of facts?



1 A. I believe they said they would send three
2 Irving tugs or they wouldn't send any. I believe that is
3 what I said.

4 Q. I think the name of the ship was the "SIGDAL"?

5 A. Yes.

6 Q. It is page 4119 of the transcript, volume 35,
7 and I shall quote: " Q. Do you recall an incident re-
8 garding a vessel called the "SIGDAL" about two years ago?

9 A. Yes.

10 Q. Something to do with tugs?

11 A. Yes.

12 Q. What is that incident?

13 A. I was assigned to pilot the "SIGDAL" in. I
14 believe the ship arrived on June the 2nd 1962. He arrived
15 June 2nd, and at that time they had called up--- Kent Line
16 had called up regarding towboats and asked me what towboats
17 I would need. I said well, I would advise four tugboats,
18 two of Wilson tugboats and two of Mr. Irving's tugboats.

19 Q. By Wilson's you meant Saint John Tugboats?

20 A. Saint John Tugboat Company and two of Kent
21 Line tugboats. They said, Mr. Walsh said to me, he says,
22 I am sorry, we can't give you two of Irving tugs. You
23 require four tugs for docking. I said yes, I would advise
24 it. He said, we will send you three of Irving and you can
25 have one Saint John tugboat. I said, Well, Mr. Walsh, if
26 that is your answer I will go out to the ship, make an
27 extra out to the ship right now and speak to the captain
28 and convey those views of yours."

29 And the rest follows, and eventually the ship
30 didn't come in for some reason or other, but this is not



1 what interests me.

2 What I am interested in is to find out how you
3 advised the master on tugs? This first preliminary dis-
4 cussion on tugs didn't take place between you and the
5 master. It took place between you and the agent. Is that
6 always the case, that these discussions take place between
7 the pilot and the agent?

8 A. Well, mostly yes, between the agent and the
9 pilot, but then, as I say, I would go out to the ship and
10 speak with the captain, and advise him as to what I
11 thought would be needed in docking the ship.

12 Q. Now, in practice how many times have you gone
13 out to a ship to advise the master that his agent would
14 not provide the tugs which you thought necessary?

15 A. Are you speaking of any ship that comes in?

16 Q. Any ship?

17 A. Oh, I believe they are the only company that
18 have ever done it before.

19 Q. Yes, and how many times have you done it for
20 that company?

21 A. I think that is the only particular one that
22 I can recall right now. There might have been more.

23 Q. So, when you say I advise the master on what
24 tugs he should use, don't you mean that you discussed with
25 the agents what tugs you want?

26 A. Yes, I discuss it with the agent, but it is
27 still subject to the master's approval.

28 Q. Oh, yes, I realize that---

29 THE CHAIRMAN: Do you have any questions Mr.
30 Gillis?



1 MR. GILLIS: No sir.

2 THE CHAIRMAN: With regard to those signals
3 that you talked about, are they recorded somewhere?

4 THE WITNESS: I believe at one time the Super-
5 intendent has sent a letter to the towboat companies to
6 that effect. I believe they also sent them to Irving tow-
7 boats, describing the signals.

8 THE CHAIRMAN: So, this has been in use for
9 quite some time here in the Harbour?

10 THE WITNESS: Ever since I have been around,
11 yes sir.

12 Q. And as far as you are concerned, down in your
13 office there do you have them in writing somewhere?

14 THE WITNESS: In my pilot office or in the
15 Superintendent's office?

16 THE CHAIRMAN: No, in your pilot office?

17 THE WITNESS: Not right now. They have been
18 there, but it is probable -- I know it isn't on the wall
19 or any place now.

20 THE CHAIRMAN: But at one time they were?

21 THE WITNESS: At one time they were, yes sir.
22 There was a memorandum from the Superintendent.

23 THE CHAIRMAN: Oh, there was a memorandum
24 from the Superintendent?

25 THE WITNESS: Yes sir. Incidentally, this is
26 one of the questions that is asked on the examination.

27 THE CHAIRMAN: From what we heard so far there
28 might be some failure of communications, especially with
29 the mouth whistle. Have you ever tried to improve on that
30 by some means? Because apparently there is the noise of



1 the engines?

2 THE WITNESS: I have tried calling them on the
3 F.M. One difficulty with that is that with the "IRVING
4 BEECH" the master is up on top, and the radio telephone is
5 down below, in the wheelhouse, and the only way you can
6 contact him is if there is a man standing by there to relay
7 the message, and nine times out of ten there is nobody to
8 relay it.

9 I have also tried, as I call it, a bull horn,
10 or a loud hailer, and I believe that is all.

11 THE CHAIRMAN: You never tried any small
12 walkie talkies?

13 A. I personally didn't, no, but I believe that
14 some of the other pilots, for a time I believe the Saint
15 John Drydock Company sent some walkie talkies down to the
16 pilot office for docking ships, or moving ships in and out
17 of the Drydock, and one of them, the towboats were equipped
18 with them, and one for the pilot. For some reason or
19 other they were taken back.

20 THE CHAIRMAN: So you don't know yourself about
21 that?

22 THE WITNESS: No I don't.

23 THE CHAIRMAN: Were they a bulky type?

24 THE WITNESS: No sir. They were a very compact
25 unit, let us say about nine inches high by two and a half
26 inches by two and a half. You could put them in your
27 pocket. They were about the size of a carton of American
28 cigarettes.

29 THE CHAIRMAN: But you don't know why they
30 didn't work?



1 THE WITNESS: They worked very good, but all
2 of a sudden the Drydock Company called up and said they
3 wanted the telephones back, and that was the end of it.
4 The reason they were put on board was on account of the
5 difficulties we were having with the Irving Company tug-
6 boats, and at that time the Drydock instructed us not to
7 use Irving tugboats with ships moving in and out of the
8 Saint John Drydock, and then they reversed their decision
9 since.

10 MR. JACQUES: Would you repeat your last
11 answer please?

12 (The last answer is read by the reporter).

13 MR. JACQUES: So you may now use Irving tugs
14 to move ships in and out of the drydock?

15 THE WITNESS: These are the tugs they sent us,
16 Irving tugs.

17 MR. MCKELVEY: Do you ever have any difficulty
18 with the captains of the other tugboats in regard to the
19 communication of these signals?

20 THE WITNESS: No sir, no.

21 THE CHAIRMAN: So thank you very much Mr.
22 Quinn.

23

24 GERALD MERRIAM, sworn

25

26 THE CHAIRMAN: What is your full name please?

27 THE WITNESS: Gerald Merriam sir.

28 THE CHAIRMAN: What is your occupation?

29 THE WITNESS: Harbour pilot.

30 THE CHAIRMAN: And your address please?



1 THE WITNESS: R.R. 2, Lancaster.

2 THE CHAIRMAN: And your age?

3 THE WITNESS: 34.

4

5 DIRECT EXAMINATION BY MR. MCKELVEY:

6

7 Q. Mr. Merriam, for how long have you been a
8 licenced pilot in Saint John?

9 A. It will be six years this past March.

10 Q. And what experience did you have before becoming
11 a pilot?

12 A. I started going to sea when I was 15, and I
13 have been going since I obtained the Mate's Home Trade
14 when I was 21, and the Master's Home Trade at 26.

15 Q. Did you have any period of apprenticeship in
16 Saint John Harbour?

17 A. Two and a half years apprenticeship with the
18 pilots.

19 Q. Were you on the pilot boat prior to that two
20 and a half years apprenticeship?

21 A. Employed on the pilot boat?

22 Q. Yes?

23 A. No.

24 Q. And during the two and a half years what
25 did you do?

26 A. I was relieving officer on the "PRINCESS
27 HELENE".

28 Q. No. During the two and a half years that
29 you were an apprentice pilot what did you do during those
30 years? What were your duties?



1 A. I had to make 50 trips inward and outward each
2 year, and a total of 50 movages in the four year period.

3 Q. That was with another pilot?

4 A. Yes, as an apprentice pilot.

5 Q. But you also worked on the pilot boat as a
6 deckhand during that period?

7 A. No, I was relieving officer on the "PRINCESS
8 HELENE" during that period.

9 Q. So you were relieving officer on the "PRINCESS
10 HELENE" but during your two and a half years apprentice-
11 ship period you had to make a certain specified number of
12 trips in and out with a pilot?

13 A. That is true.

14 Q. Do you recall any vessel called the "VENTURE",
15 about which some evidence was given at the June sittings
16 in Saint John?

17 A. Yes, I recall it.

18 Q. Did you have anything to do with that vessel
19 when she came here?

20 A. When the vessel arrived, it was in the evening,
21 and the vessel had requested the pilot to anchor, and it
22 was my duty to go and anchor the vessel.

23 Q. What was the draft of the vessel at that time,
24 do you recall?

25 A. Between 30 and 31 feet, in that vicinity.

26 Q. What was the condition of the freshet at that
27 time?

28 A. Well, it was such that other tankers arriving
29 hadn't been berthed, and we thought, or I thought myself,
30 before the vessel arrived at that draft and with the



1 conditions existing it would be impossible to bring that
2 ship in.

3 Q. And did the vessel arrive on the date that
4 she was supposed to arrive, or was she delayed?

5 A. Well, the E.T.A. from the vessel itself, she
6 arrived at that time, but there had been some conversations
7 I believe, previous to that.

8 Q. Well, do you know whether she had been
9 scheduled to arrive before the date on which she finally
10 did arrive?

11 A. Oh, yes, we had inquiries on the conditions
12 possibly ten days before the vessel arrived. They had
13 expected her at least a week before she did arrive.

14 Q. In your opinion, from the conditions that
15 you observed at the time, could the "VENTURE" have been
16 brought into Courtenay Bay safely?

17 A. Not in my opinion.

18 Q. Could you outline your reasons for that
19 please?

20 A. The "VENTURE", being turbine driven, and
21 because I had discussed these conditions with the master
22 to a degree, although I wasn't the pilot that was bringing
23 her in. He said that she was not of the best manoeuvre-
24 ability, and the existing current in the lower portion of
25 the Courtenay Channel would prohibit entrance with that
26 type of vessel. You wouldn't have maximum power. He
27 wouldn't be able to give you maximum power, and if you
28 were fortunate enough to pass the end of the breakwater,
29 her power astern would be very small in stopping.

30 Q. What would that mean?



1 A. That would mean the vessel would probably be
2 aground before we could get her stopped, or she would
3 sheer in going astern to such an extent that you wouldn't
4 be able to control her.

5 Q. So, coming up the channel, in order to
6 manoeuvre under those conditions you would have to go at
7 the maximum speed of the vessel. Is that it?

8 A. I doubt even at the maximum speed if she would
9 answer the helm to go into Courtenay Bay.

10 Q. Well, if she did, if you overcome that diff-
11 iculty and get inside the Courtenay Bay breakwater, do I
12 understand you to say that the lack of stern power would
13 make it impossible to stop the vessel?

14 A. That is true.

15 Q. Now, perhaps you might explain briefly what
16 difference it makes that this is a turbine vessel, rather
17 than a motor ship?

18 A. Well, the turbine vessel, it is the machinery
19 itself. You don't get the maximum power astern in a
20 turbine vessel which you can more or less obtain in a
21 motor driven vessel.

22 Q. So, the difference between a turbine drive and
23 a motor vessel is primarily the fact that you don't get
24 enough stern power. Is that it?

25 A. Yes, and they are slower in manoeuvring from
26 ahead to astern, or from one movement ahead to one move-
27 ment astern, whatever it may be.

28 Q. We have heard a lot about tugs, Mr. Merriam.
29 What do you consider your duty is as a pilot with respect
30 to what tugs are to be used for docking and undocking



1 vessels?

2 A. Well, I consider it my duty to inform the
3 masters of the conditions and of the tugs that are avail-
4 able, and what tugs which I consider most suitable for the
5 work we are doing.

6 Q. And I presume that if you weren't able to
7 communicate with the master that the same thing would
8 apply to the ship's agent, would it?

9 A. Yes, definitely. It could be that the ship
10 was arriving in time to dock. Possibly she wouldn't
11 have to anchor.

12 Q. A statement was made at the last hearing that
13 pilots should keep their noses out of the tugboat business,
14 and stick to piloting. Could you comment on that?

15 A. I think it is part of the duty of a pilot to
16 advise the master of the ship what tugs he will use. I
17 mean the number of tugs he will use and their capabilities,
18 in each particular instance.

19 Q. Could you give us the benefit of your opinion
20 as a pilot on the relative abilities of the Irving tug-
21 boats as compared with the others to do the jobs to be
22 done in the Harbour?

23 A. I think the experience of the masters on the
24 tugs on the Harbour is one great factor in determining
25 which tugs to use, but there are other factors which go
26 together in making my decision there.

27 Q. Well, what are the factors?

28 A. Manoeuvrability. I still don't think that
29 the Irving tugs are as manoeuvrable as the Harbour tugs.

30 Q. Your opinion then varies to some extent from



1 that of some of the other pilots?

2 A. And there is a minor difficulty in communica-
3 ting signals to these tugs. Whether it is misunderstanding
4 or noise aboard the tugboats.

5 Q. Do you have that same trouble with Saint John
6 Tugboat tugs?

7 A. No.

8 Q. They understand your signals do they?

9 A. Yes.

10 Q. Now, a lot has been said about whether or not
11 the pilots co-operate with California Shipping and the
12 Kent Line to get the super tankers into the Harbour during
13 the freshet season.

14 Can you tell us whether you, as a pilot, or
15 the pilots in general, do you co-operate to get these
16 ships in under these adverse conditions?

17 A. I think we most certainly co-operate in every
18 way we can to bring these ships into the Harbour.

19 Q. Could you illustrate for the Commission the
20 way in which you co-operate?

21 A. Well, we don't, possibly there is a time when
22 we could give a definite answer, when conditions are such
23 that we consider it impossible that that slight change
24 would -- a slight change in the favour of conditions would
25 make it favourable to dock your ship, but we don't say no.
26 We sort of wait until the ship arrives.

27 Q. To see whether it can be done or not?

28 A. Yes, and what the conditions are on board the
29 vessel, the particular manoeuvrability of this vessel.

30 Q. Is it possible to forecast in advance whether



1 you will bring one of the tankers in during the freshet
2 season?

3 A. If conditions are extreme we can definitely
4 say no.

5 Q. But is it possible to forecast that you can
6 bring one in?

7 A. Is it possible to forecast the conditions
8 under which you could bring one in?

9 Q. Yes?

10 A. That would be a scale more or less, drawn up
11 to predict when a certain vessel could be brought in?

12 Q. Well, yes. Is that possible, or practical in
13 your opinion?

14 A. It is possible to a degree, but there are
15 circumstances that would arise. I would imagine that
16 after this scale was passed a ship might be able to be
17 brought in, and then there are conditions which might
18 arise before this set, these set conditions arrive, that
19 you might not be able to bring a ship in in your own good
20 judgment.

21

22 CROSS-EXAMINED BY MR. GILLIS:

23

24 Q. I understand, Mr. Merriam, you have been a
25 pilot since 1957?

26 A. Yes.

27 Q. And of course you were piloting vessels in
28 the Harbour before the refinery was established?

29 A. Yes.

30 Q. And I suppose you will agree with me that the



1 establishment of this refinery has resulted in substantial
2 financial advantages to the pilots?

3 A. Yes.

4 Q. Including yourself?

5 A. Yes.

6 Q. Now, there is in evidence, Mr. Merriam, I
7 don't know if you have seen them or not, receipts and
8 disbursements for the Pilotage District of Saint John for
9 1958 to 1962. I presume each pilot has an opportunity
10 to examine the receipts and disbursements of the Pilotage
11 District?

12 A. Yes.

13 Q. And you did it? Have you ever had occasion
14 to do it?

15 A. Only when -- the complete disbursements?

16 Q. Yes?

17 A. I don't know that I have ever examined them
18 completely, other than the total figure which is passed
19 on to us.

20 Q. Well, I am suggesting the refinery came into
21 operation in 1960. Would that be right?

22 A. Yes, in the spring.

23 Q. And I am suggesting to you that in 1959, the
24 previous year, these records indicate the average earnings
25 for a pilot in Saint John, including pension, was about
26 \$8,700.00, \$8,760.00 to be exact. Would that be your
27 recollection?

28 A. I would roughly agree with that.

29 Q. Yes, in 1959.

30 Now, I am also suggesting that in the year



1 1961, after the refinery was in operation, the average
2 earnings of a pilot, including pension fund, amounted to
3 approximately \$16,000.00 a year. Would that be right?

4 A. That is gross earnings of each pilot.

5 Q. Each pilot, after taking into account their
6 salary and their pension?

7 A. Yes, I would agree with that, due to the
8 decrease in the number of pilots.

9 Q. Oh. I am suggesting that in 1959 there were
10 nine pilots, and in 1961, over the entire year, there
11 were eight and one-third pilots?

12 A. Yes, that is a decrease of one pilot.

13 MR. MCKELVEY: Your suggestion is wrong Mr.
14 Gillis.

15 MR. GILLIS: Well, I am taking the figures
16 out of your brief.

17 MR. MCKELVEY: Well, if you are taking them
18 out of the brief you aren't taking them accurately.

19 Q. Well, in any event, from these figures I
20 gave you, Mr. Merriam, you had an increase, or your salary
21 increased, salary and pension by over \$7,000.00 from 1959
22 to 1961. Right?

23 A. That is right if those figures are correct.

24 Q. And I am suggesting to you that the primary
25 reason for that increase was the increase in pilotage dues
26 resulting from the use of the harbour by these super
27 tankers of Irving Oil. Would that be right?

28 A. That is quite possible. I have never studied
29 it to that extent, but it is quite possible.

30 Q. You don't doubt it do you?



1 A. Oh, no.

2 Q. So this refinery then does mean a great deal
3 to the port of Saint John, doesn't it?

4 A. To everybody concerned.

5 Q. Now, I presume you have read this brief of
6 the pilots?

7 A. Yes.

8 Q. Do you agree with the contents of it?

9 A. Yes.

10 Q. Fully?

11 A. In full, yes. I agree with the contents.

12 Q. Then you are one of the ones who are asking
13 super tankers to pay a surcharge of one cent, are you
14 not, per ton, in excess of \$8,000.00?

15 A. Yes.

16 Q. So you are singling out a particular group of
17 ships from which you are deriving a large advantage now,
18 and asking them to pay more, aren't you?

19 A. We have asked for that on the tonnage of the
20 ships. It compares the size of the ship, not especially
21 because they are bringing crude oil into the port.

22 Q. Your brief says to compensate the pilots for
23 their services in navigating large super tankers?

24 A. Yes.

25 Q. That is what you want?

26 A. They are the only vessels of that size calling
27 here.

28 Q. So apparently you weren't satisfied with the
29 substantial benefits you were already receiving from the
30 refineries, and you want more. Is that right?



1 A. No, I wouldn't phrase it that way.

2 Q. Well, that is the result, isn't it?

3 MR. MCKELVEY: Well Your Lordship, no one has
4 yet phrased it in the way my learned friend has.

5 THE CHAIRMAN: I have noticed. This is an
6 inference anyway that could be drawn, but by having him
7 raise it now, it will give it an opportunity to have it
8 tested, but I suppose you will do that afterwards.

9 Q. Let me put it this way to you. Do you agree
10 that any increase in the pilotage dues on these super
11 tankers will have a detrimental effect on the financial
12 position of the refinery?

13 A. I don't think it would be too detrimental. I
14 think they were low at the beginning of operations at the
15 refinery for that type of vessel.

16 Q. Well, agree with me to this extent will you,
17 if they have to pay more pilotage dues it is going to
18 affect their financial position, isn't it?

19 A. Any increase on cost to any operation---

20 Q. Right, and we are only talking about one so
21 far, and this has to do with this surcharge on these super
22 tankers which you requested, isn't that right?

23 A. That is what we are referring to, yes.

24 Q. And I am suggesting that other matters with
25 respect to this cargo would affect their financial posit-
26 ion, and if they were delayed unduly, being unable to
27 berth, that would also reflect on the financial position
28 of the refinery, wouldn't it?

29 A. Absolutely.

30 Q. So excessive delays and your pilotage dues,



1 and I am going to suggest excessive charges for some tugs,
2 will all seriously affect the financial position of the
3 refinery, wouldn't they? You would agree with that,
4 wouldn't you?

5 A. I don't know how seriously they would affect
6 it.

7 Q. I am suggesting that if they are sufficiently
8 high they can conceivably drive the tankers out of the
9 port of Saint John?

10 A. That is possible, if the cost is prohibitive.

11 Q. Speaking of prohibitive costs are you aware
12 that the Kent Line were obliged to retain the tug "OCEAN
13 ROCKSWIFT" on a standby charge of \$450.00 per day?

14 A. I never heard that figure.

15 MR. MCKELVEY: So far as I am aware this
16 transaction has not been proved before this Commission.
17 I would like to record that on the record, that there is
18 no evidence of that here. My learned friend is the only
19 one who has raised it.

20 MR. GILBERT: My friend Mr. McKelvey is not
21 quite right, because you will recall at the last hearing
22 the whole record of this lawsuit was to be put in evidence,
23 and as soon as I can get that record from the Court of
24 Appeal you will see from that evidence and the letters
25 attached to it as Exhibits dealt with the \$450.00 charge
26 per day.

27 MR. MCKELVEY: My Lord, the only thing so
28 far in evidence is some photostatic copies of pages from
29 that transcript, and not the whole transcript of that
30 hearing.



1 MR. GILBERT: It was given a number My Lord,
2 and I undertood to get it, and I shall.

3 THE CHAIRMAN: In any event it was accepted,
4 as I recall, last time, and it is in the record now. There
5 was some discussion about that, and there was a ruling
6 then.

7 Q. But you did hear something of this transaction
8 did you?

9 A. I heard indirectly that such a contract exist-
10 ed. I didn't bother to confirm what I had heard.

11 Q. Don't you think, if that is so, \$450.00 a
12 day is a most unreasonable charge for a tug on a standby
13 basis?

14 A. On a standby basis---

15 MR. MCKELVEY: Your Lordship, I am going to
16 ask that the witness be told that he doesn't have to
17 answer whether he thinks \$450.00 per day is a reasonable
18 charge for a tugboat or not.

19 THE CHAIRMAN: If he is not competent to
20 answer it---

21 MR. MCKELVEY: I think he should be told My
22 Lord.

23 MR. GILLIS: He started to answer. Would you
24 answer please?

25 THE WITNESS: I said if a contract was drawn
26 up between two parties, they must have considered this
27 beforehand.

28 MR. GILLIS: That wasn't quite my question.

29 (The last question is read by the reporter.)

30 THE WITNESS: I have never hired a tugboat.



1 Q. Well, do you realize that \$450.00 a day, that
2 would come to \$160,000.00 annually?

3 A. If multiplied I suppose it would, yes.

4 Q. Could you conceive any company paying for the
5 use of one tug in the Harbour of Saint John \$163,000.00
6 annually? It wouldn't make sense, would it?

7 A. I don't know. I have not considered it to
8 that extent.

9 Q. You couldn't express an opinion on that?

10 A. I would have to sit down and consider it first.
11 I mean, I don't know the operational costs of the tugboat.

12 Q. Well, let's speak of tugs. Do I understand
13 it that you said you agreed with the contents of this
14 brief submitted by the pilots?

15 A. Yes.

16 Q. And the brief says on page 13, the pilots
17 determine when ships should move, and in what order the
18 moves will be made. Is that true?

19 A. Yes it is.

20 Q. And it continues, they also order the tugs.
21 Is that true?

22 A. It continues beyond that, to explain.

23 Q. Because they are in a better position, but I
24 am saying the effect is that the pilots order the tugs?

25 A. That is to co-ordinate the movement in the
26 port. It says that the pilots order the tugs.

27 Q. No, it is an added sentence. They also order
28 the tugs because they are in a better position to advise
29 the tugs of the various jobs, and a number of the agents
30 whose orders aren't properly co-ordinated. This is true,



1 isn't it?

2 A. Yes, I agree with that whole sentence, yes.

3 Q. So the pilots do order the tugs, right?

4 A. To expedite the movement of the vessels.

5 Q. I am not asking for---

6 MR. MCKELVEY: Let him answer.

7 Q. It is true they order the tugs do they?

8 A. In the way the sentence reads entirely it is
9 true, yes.

10 Q. And can you tell me any other shipping agent,
11 or shipping line, for which you use the Irving tugs,
12 except for the refinery, or Irving Oil?

13 A. No.

14 Q. And do I take it you only in those cases
15 order Irving tugs and in any others you wouldn't order
16 them? Is that right?

17 A. Irving ships going to the crude oil berth?

18 Q. Yes, you refuse to use them in any other work?
19 Is that right?

20 A. We don't refuse to use them, no.

21 Q. You say "We". Well, you never order them, do
22 you?

23 A. I am a bit confused now myself how we stand.

24 Q. Tell me what work you used Irving tugs for,
25 other than for super tankers or ships of the Irving Oil
26 Company?

27 A. None.

28 Q. Pardon?

29 A. None that I know of.

30 Q. And why? Because you don't recommend them?



1 A. No, I don't think that is the reason.

2 Q. Pardon?

3 A. I don't think I have been approached to
4 recommend them.

5 Q. Oh, you have been approached by the tugboat
6 companies in order for you to recommend them. Is that
7 right?

8 A. No, I mean by an agent or a ship owner,
9 requesting that we use them. I mean, I am not going to
10 suggest that we use them.

11 Q. No. That is what I am getting at. Why do you
12 say that you aren't going to suggest that you use Irving
13 tugs? Why? There are only two tugboat companies in the
14 harbour, are there not?

15 A. Well, nobody has asked me for my suggestion.

16 Q. Well, don't you order them, or recommend to
17 the masters what tugs you should use?

18 A. In particular cases. These harbour tugboats
19 have been used on these ships before the Irving tugboats
20 came into existence, and they haven't ordered us to change.

21 Q. Who hasn't ordered you to change?

22 A. The particular agents of the ships coming into
23 harbour.

24 Q. Pardon?

25 A. The agents for the ship owners that order
26 them.

27 Q. Do I understand it then that if an agent asks
28 you as a pilot will you use all Irving tugs on this,
29 would you be agreeable to following the agent's request?

30 A. No, I would recommend that he continue using



1 the harbour tugboats.

2 Q. Why?

3 A. Because of the experience of the masters,
4 their manoeuvrability. Those are the main factors.

5 Q. You heard Mr. Vallis previously today state
6 he didn't have much fault with the manoeuvrability of
7 the Irving tugs?

8 A. Yes.

9 Q. Is he a competent pilot?

10 A. Yes.

11 Q. Do you say the Harbour tugs are fully
12 manoeuvrable and satisfactory for the docking of super
13 tankers?

14 A. Yes.

15 Q. There is nothing wrong with them at all?

16 A. In quality.

17 Q. I am speaking insofar as manoeuvrability is
18 concerned. You said they are all right?

19 A. In the number required, yes.

20 Q. And what about the Irving tugs?

21 A. They certainly have sufficient power.

22 Q. I am talking about manoeuvrability?

23 A. I don't consider them as manoeuvrable
24 as the Harbour tugboats.

25 Q. On what do you base that?

26 A. From observation entirely. Q. Give me an example

27 A. Well, the "IRVING GLEN" docked this past
28 week. Entering the berth with the "IRVING GLEN", the
29 "IRVING DALE" was shifting from the Irving crib to the old
30 Irving oil dock, we call it, to



1 make a berth for the "IRVING GLEN". We entered the channel
2 and we were waiting to hear from the "IRVING DALE" that
3 she was clear of the berth, and they called, and we pro-
4 ceeded up towards the berth, and as we went into Courtenay
5 Bay we could see that the tugs were still engaged on the
6 "IRVING DALE", still assisting her. So I stopped the
7 ship, and we had way on the vessel, of course, and in
8 order to keep in position I let the ship move up towards
9 the dock, rather than going astern and getting out of
10 position. The tugs were finally freed from the "IRVING
11 DALE", and proceeded to come to the "IRVING GLEN". The
12 "IRVING OAK" experienced a bit of difficulty turning up
13 ahead of the "IRVING DALE" to get down. Then the "IRVING
14 BEECH" which was aft on the "IRVING DALE", came alongside
15 the "IRVING GLEN" when we were off the crude oil dock.
16 That would be about 1200 feet I suppose below the berth.
17 We were going to the position we would be in when we made
18 fast, and the approach -- the vessel coming down put a
19 line aboard, and was unable to manoeuvre into his position
20 to assist the ship, and had to let go before he could
21 turn the tugboat to get in a position to be of assistance
22 to this ship.

23 In the meantime we had gone up and dropped the
24 anchor to assist us in docking, and putting our spring
25 line out, and when the "IRVING BEECH" was made fast, I
26 mean that is one observation there---

27 Q. And you blame that on what?

28 A. The factors I have already stated, the in-
29 experience of the masters, possibly, or the manoeuvreabil-
30 ity of tugs or both combined.



1 Q. Well, which one was it?

2 A. I am not able to say that it was either one.
3 I am certainly not putting it on to the master entirely.
4 He must have experienced difficulty in manoeuvring his
5 tug.

6 Q. Now, I am just speaking of manoeuvreability
7 Mr. Merriam?

8 A. Yes.

9 Q. Would you agree that even if Irving tugs
10 aren't properly manoeuvreable for docking super tankers,
11 neither are the Saint John Tugboat Company's tugs? Do
12 you agree with that?

13 A. It depends on the number of tugs you use.
14 If you require two tugs to dock a ship it requires
15 highly manoeuvreable and very powerful tugs.

16 Q. I am suggesting to you that the tugs of the
17 Saint John Tugboat Company aren't completely manoeuvreable
18 or powerfully enough equipped to handle the super tankers
19 either, are they?

20 A. It depends on the number of tugs you wish to
21 use.

22 Q. Well, we have got to make out with what we
23 have got here, haven't we?

24 A. That is right.

25 Q. Well, I am suggesting that what we have got
26 here aren't completely manoeuvreable or powerfully equipped
27 enough to handle the super tankers, are they?

28 A. In numbers you can safely handle them.

29 Q. Pilot Cobham, he is a very experienced pilot
30 isn't he?



1 A. Yes.

2 Q. Much more experienced than you are?

3 A. Absolutely.

4 Q. Did you hear him give evidence here previously?

5 A. Partly, yes.

6 Q. It is at page 4106: "---they haven't got the
7 manoeuvrability, both tugboat companies. Neither one of
8 them are equipped to handle super tankers, not properly
9 equipped." Do you remember him saying that?

10 A. I don't know, but I would agree with that.

11 Q. Well, that is all I was asking you before?

12 A. The point I was trying to bring out, to con-
13 centrate the power in one place you would need a very
14 powerful tugboat, which would be more suitable, one tug-
15 boat would be more suitable than two.

16 Q. Are you aware that the manoeuvrability of the
17 Irving tugs has been improved in the last few years?

18 A. It has improved, yes.

19 Q. And I suppose you will agree with me that
20 over that period of time the masters or captains on the
21 tugs would become more experienced, wouldn't they?

22 A. Anyone becomes experienced with time.

23 Q. So the masters of the Irving tugs today are
24 more experienced than they were in 1960, aren't they?

25 A. Anybody that has been there continuously, yes.

26 Q. Or worked in the harbour on one tug or another?

27 A. In any tug, yes.

28 Q. And the tugs are more manoeuvrable, isn't
29 that right?

30 A. They are better than they were, yes, definitely.



1 Q. Now, I presume in docking the "IRVING DALE"
2 or "GLEN" or "STREAM", you always use Irving tugs?

3 A. Yes.

4 Q. You never had any accidents, did you, in
5 docking them, or undocking them?

6 A. Not that I can recall off hand.

7 Q. Well, if you had you would remember it,
8 wouldn't you?

9 A. Oh, yes, any serious accidents, yes.

10 Q. So then you have not had any, have you?

11 A. No.

12 Q. Now, do you ever discuss amongst the various
13 pilots in the pilot house as to what tugs you will use?

14 A. In general, yes. We have discussed it at
15 different times.

16 Q. With the other pilots, and do they more or
17 less agree with your views?

18 A. More or less, yes.

19 Q. And I would suppose then there is a sort of
20 agreement, or understanding, amongst the pilots that you
21 will recommend the use, or you will order the Saint John
22 Tugboat Company tugs?

23 A. We have been approached on, not especially
24 Saint John Harbour Tugboat tugs, their existing tugs, yes,
25 but if they brought in new tugs that were different, we
26 certainly wouldn't recommend them.

27 Q. But on the facts as they are today there is an
28 agreement, or understanding amongst the pilots that you
29 will recommend, or order the Saint John Tugboat Company
30 tugs over the Irving tugs. Isn't that right?



1 A. Only in regards to super tankers.

2 Q. Well, have you used Irving tugs on anything
3 other than super tankers or tankers of Irving Oil Company?

4 A. No.

5 Q. Well, why?

6 A. Nobody has asked us to use them.

7 Q. Do you mean that if you were asked to bring
8 say some other ships in you would use Irving tugs? Is
9 that the only reason, because you have not been asked?

10 A. No, I wouldn't recommend them over the Harbour
11 tugs.

12 Q. Is it correct that there is a sort of an
13 understanding between the pilots, including yourself, that
14 you will not recommend or order the Irving tugs?

15 A. No, there is no understanding.

16 Q. But yet you always do it, is that right?

17 A. Each individual might, if approached, yes.

18 Q. Don't you talk this over amongst yourselves
19 as to which tugs will be used?

20 A. We have talked it over in the past regarding
21 tankers. We have talked it over when approached on what
22 tugs we would use for them, yes, but we have never been
23 approached in a body to use Irving tugs in any particular
24 cases, as a body.

25

26 ---A short recess.

27

28 Q. Mr. Merriam, perhaps I asked you this before,
29 but I am not too clear in my own mind what your answer
30 was.



1 Do you consider it part of your duties as a
2 pilot to give advice to masters as to what tugs should be
3 used?

4 A. In particular cases, yes.

5 Q. Do you give such advice?

6 A. I recommend what tugs should be used.

7 Q. Then you do advise?

8 A. Yes.

9 Q. I think you agreed with me before the recess
10 that Pilot Cobham was a very experienced pilot?

11 A. Yes.

12 Q. Well, in the previous hearing, at page 4098,
13 this question was asked: "Mr. Cobham, do you give any
14 advice to masters of vessels or ship owners or agents
15 regarding what tugs should be used in the Harbour?" And
16 his answer was No. Do you agree with that?

17 A. You didn't say in the Harbour before. You
18 said in general.

19 Q. Well, all right. I will put it to you in the
20 Harbour then. Do you agree with what Pilot Cobham said?

21 A. Yes, I will have to, because we haven't---

22 Q. You don't have to. Do you or don't you?

23 A. I do, yes.

24 Q. Now, before the refinery was built, or during
25 the construction, when super tankers were coming in here
26 did you discuss with other pilots, or the Superintendent,
27 what tugs should be used for the super tankers?

28 A. Yes, we had a discussion on that.

29 Q. And it was agreed, was it at that time, that
30 the Irving tugs should not be used, because of perhaps



1 poor manoeuvrability. Would that be right?

2 A. We filed a letter---

3 Q. You filed a letter, yes, that is what I was
4 wondering. This letter of the Superintendent of Pilots,
5 which is Exhibit No. 422, written on December 28, 1961,
6 by the Superintendent?

7 A. Yes, that is the letter.

8 Q. That is the letter you were referring to?

9 A. Yes.

10 Q. Do you agree with the contents of that letter?

11 A. Yes.

12 Q. And you are one of the pilots, then, whose
13 views the Superintendent quoted. Would that be right?

14 A. Yes.

15 Q. So I take it at that time the only reason you
16 took any objection to the Irving tugs was because of
17 their manoeuvrability. Isn't that right?

18 A. Well, at that time there wasn't the power we
19 thought necessary in the combined units available. It
20 was the power and manoeuvrability at that time, yes.

21 Q. Now, you have heard, or I think you agreed
22 with me, that changes have been made to these tugs, and
23 their manoeuvrability has improved?

24 A. It has improved, yes.

25 Q. So I take it then that there would be the
26 same objection to the use of these tugs today?

27 A. No, not as strong, no.

28 Q. But today, and you didn't say anything in
29 this letter, the Superintendent didn't say anything about
30 the inexperienced crew, did he? That is not the reason



1 you gave, or the Superintendent gave for not using the
2 Irving tugs, was it?

3 A. No, because we hadn't used it previous to that
4 to know.

5 Q. But isn't it a fair inference from reading
6 that letter that as long as the manoeuvreability was
7 improved the tugs could be used, and would do the job?

8 A. Well, anybody should know that if the crew
9 weren't experienced enough the tug would not be suitable.

10 Q. Who in particular are you referring to?

11 A. The crew in general, the master and---

12 Q. Tell me any master who is not experienced?

13 A. I say not experienced to the extent of the
14 Saint John Tugboat employees.

15 Q. Well, let's just not refer to them. I am ask-
16 ing you what master is not experienced?

17 A. Well, none of them have the experience of the
18 Saint John tugboat masters.

19 Q. Well, do you say they are incompetent?

20 A. No. I say they have not the experience that
21 the Saint John tugboat masters have.

22 Q. Well, can you give me any example where you
23 say that a master of the Irving tugboats is not experienced?

24 A. Well, I think he is not as experienced---

25 Q. Well, that is obvious. One has experience
26 and the other hasn't, but can you tell me in what respect
27 any master of the Irving tugs is inexperienced?

28 A. Well, I say not experienced in comparison---

29 Q. Well, can you give me one instance, an instance
30 of this where the inexperience has caused an accident?



1 Has that ever happened?

2 A. Not to myself, no.

3 Q. Well, that is of your knowledge you don't
4 know, and you have used these very tugs in docking tankers
5 of Irving Oil, haven't you?

6 A. Yes.

7 Q. Now, did I understand you to say you what,
8 when you were an apprentice you worked part time on the
9 C.P.R. boat, is that right?

10 A. "PRINCESS HELENE", yes.

11 Q. And Captain Conley at that time was the Master?

12 A. That is true.

13 Q. And I suppose the "PRINCESS HELENE" would
14 depart and come into the harbour about 600 times a year?

15 A. Roughly, yes.

16 Q. Did you hear evidence given here before that
17 one of the Irving boats going through the Falls, it had
18 an accident ratio of 120 trips, three accidents?

19 A. I don't know if I was present at that time.

20 Q. Well, I am suggesting that if that is so
21 that would be an accident every 40 trips, wouldn't it?

22 A. Yes.

23 Q. It is a pretty poor record, isn't it?

24 A. Considering the location I don't know where
25 you would compare it with.

26 Q. You would expect to get an accident every 40
27 trips with an experienced pilot, would you?

28 A. You could possibly do that, yes.

29 Q. Well, using the same accident ratio then on
30 the "PRINCESS HELENE", that you were on, one in 40, you



1 would have 15 accidents a year, wouldn't you?

2 A. Yes.

3 Q. That would be pretty poor, wouldn't it?

4 A. In that particular trade I suppose, yes.

5 Q. Well, it would, wouldn't it, be very poor?

6 A. Yes. I don't know if you could compare it
7 or not with the other. The other is taking place every
8 day.

9 Q. Now, whilst you were piloting a ship in your
10 experience in the harbour has any master ever questioned,
11 or interfered with your decision?

12 A. Not that I can remember, no.

13 Q. It would be a very unusual thing, wouldn't it,
14 for a master to question your decision? That is something
15 you wouldn't expect, isn't that right?

16 A. Not if you were doing the job properly he
17 wouldn't question it, no.

18 Q. Well, who is to determine if you are doing
19 the job properly? You or the master?

20 A. The master is in charge of the vessel. If
21 he sees you endangering the vessel he should suggest to
22 you that you are endangering the vessel.

23 Q. Suggest to you, yes, I agree. Isn't it only
24 reasonable that the master should rely upon the pilot?

25 A. Yes, he should to a certain extent.

26 Q. And they do, don't they?

27 A. Some don't entirely rely on them, no, you
28 have the feeling that they are---

29 Q. Well, on the 25th of January 1961 Captain
30 Chisholm was aboard a vessel on which an accident occurred



1 with a pilot, and he said this: "I figure he---", that is
2 the pilot, "---must know more about the channel than I".

3 Now, wouldn't that be the natural reaction of
4 any master, to rely upon the pilot, and think the pilot
5 knew more about it than the master?

6 A. Yes.

7 Q. It wouldn't be unusual at all, would it?

8 A. No. You should expect that, yes.

9 Q. Do you know Captain Chisholm?

10 A. Yes I do.

11 Q. He has had considerable experience, has he
12 not, in the Saint John Harbour on tugboats?

13 A. He had considerable experience.

14 Q. You would consider him a competent tugboat
15 master, would you not?

16 A. He is competent, yes.

17
18 BY MR. JACQUES:

19
20 Q. When the Irving tugs were first brought into
21 operation would you recall who first commented on their
22 manoeuvreability?

23 A. I can recall the "IRVING BIRCH", I think was
24 the first one available. The "IRVING BIRCH" was of little
25 use in harbour work, due to her size and manoeuvreability.

26 Q. Yes. What about the others now, these two
27 big ones?

28 A. The "IRVING OAK" and "IRVING BEECH".

29 Q. The "IRVING OAK" and "TEAK", I believe.
30 The "BIRCH", the "OAK", the "BEECH" and the "TEAK". Well,



1 let's eliminate the "TEAK". Let's confine ourselves to
2 the "BIRCH", "OAK", and "BEECH"?

3 A. I suppose the pilot that first experienced
4 working with them, or had any difficulty with them, I
5 can't recall definitely who that was.

6 Q. You can't recall who that was?

7 A. No.

8 Q. When were you first told about these difficul-
9 ties, or how did you first find out about these difficul-
10 ties?

11 A. It would be relayed by the pilot who was
12 working with them, or possibly I had experience with them
13 myself. I can't recall just where it began that we
14 experienced these difficulties in manoeuvrability.

15 Q. When you first had occasion to use either
16 the "BIRCH", the "OAK", or the "BEECH", had you heard
17 adverse comments about these tugs?

18 A. I can't recall that.

19 Q. Would you recall when you first had occasion
20 to use either of those?

21 A. No, I can't recall off hand.

22 Q. You stated that you inform the master of the
23 capacity of the tugs, or on the choice of the tugs, is
24 that correct, or that you advise the master on the choice
25 of the tugs?

26 A. We advise the master if there were any, if
27 there were a case of determining which tug to use, yes.

28 Q. If there were a case?

29 A. We would recommend, or I would recommend.

30 Q. As a matter of fact, isn't the matter of



1 tugboats always discussed before you board the ship, with
2 the agent?

3 A. Generally, yes.

4 Q. Generally?

5 A. Generally, yes.

6 Q. It is not discussed with the master?

7 A. It can't be. I mean, you can't communicate
8 with him before.

9 Q. ~~ESound~~ the discussion takes place between you
10 and the agent?

11 A. Generally, yes.

12 Q. You also said that it was normal for masters
13 to rely on pilots to a certain extent. Would you care to
14 explain to what extent the master should rely on the pilot?

15 A. What I meant there was that if the master
16 saw the vessel proceeding into dangerous grounds, or
17 proceeding in a direction that would endanger the vessel,
18 or which he would consider he thought would endanger the
19 vessel, he should approach the pilot.

20 Q. And then?

21 A. And if he is certain that there will be some
22 harm come to the vessel he should make some move to
23 eliminate that danger, if the pilot doesn't himself.

24 Q. So if he is certain that his ship is running
25 into danger he should take over. Is that what you mean?

26 A. I would think so, yes.

27 Q. Now sir, I show you Exhibit number 422, a
28 letter from Captain MacKinnon to Captain Bigler dated
29 December 28th 1961. I believe you have read this letter?

30 A. Yes.



1 Q. This letter refers to, and I quote: "Original
2 discussions held with officers of the company", being
3 California Shipping Company.

4 Did you take part in these original discussions?

5 A. I believe we were all present.

6 Q. What pilots were present?

7 A. I can't remember definitely. I think we were
8 all present, or it could have been the Committee acting
9 on our behalf. I think we were all present.

10 Q. Now, when did you first learn of this letter,
11 Exhibit No. 422? When were you first aware that this
12 letter was written? Before it was written how did you
13 become aware that this letter would be written?

14 A. Through discussion, I would imagine, with
15 the pilots and Superintendent.

16 Q. Would you recall whether there was a formal
17 meeting convened before this letter for the purpose of
18 drafting the letter?

19 A. I believe there was a meeting of all the
20 pilots. I don't recall definitely.

21 Q. You believe there was a meeting convened for
22 that purpose?

23 A. Yes.

24 Q. Now, you were asked about this "OCEAN
25 ROCKSWIFT", I believe, on standby?

26 A. Yes.

27 Q. When did you first learn that the "OCEAN
28 ROCKSWIFT" was on standby?

29 A. I didn't know that she was on standby exactly.
30 I had heard that she was in contract to the Irving



1 Refinery, or some other interest connected with the
2 Irving Refinery.

3 Q. When did you hear that?

4 A. I couldn't give you the date of that.

5 Q. Well, was it this year, 1963, or 1962?

6 A. It was last year I believe.

7 Q. Last summer?

8 A. I believe it was last summer.

9 Q. And how did you learn about that contract?

10 A. It was just hearsay as far as I am concerned.
11 I mean I have heard that such a thing existed.
12

13 RE-EXAMINED BY MR. MCKELVEY:
14

15 Q. Mr. Merriam, if the Irving tugboats had the
16 people with the same ability in charge of them, ability
17 and experience, a combination of both, and if they had
18 the same manoeuvrability and power as the Harbour tugs,
19 would you use them exclusively, if asked to do so?

20 A. Yes, by the parties concerned, yes, absolutely.

21 Q. Would you then have any preference in making
22 recommendations as between tugs?

23 A. No.

24 Q. So then you aren't objecting to these tugboats
25 just because they are Irving?

26 A. Absolutely not.

27 Q. Now, if under those circumstances, if these
28 Irving tugs had the, in your opinion, the same adequately
29 trained and experienced people in charge of them, and
30 the same manoeuvrability, it would not be necessary to



1 have any standby tugs, would it?

2 A. Oh, yes.

3 Q. Now, you were asked whether you ever recommend
4 the use of what tugs to use in the harbour. You drew a
5 distinction between the harbour and tankers at Courtenay
6 Bay. I presume you meant the main harbour?

7 A. That is right.

8 Q. Are you ever called upon to advise in respect
9 of the use of tugs for other companies in the harbour?

10 A. Not to my recollection I have never been
11 approached.

12 Q. Well, what is the situation there? The
13 Manchester Liners, or Furness, Withy, and many other lines
14 that come in here in the winter. What is the situation
15 there in respect to tugs?

16 A. They order their own tugboats.

17 Q. On some occasions when the agent calls up
18 your office and finds out when a ship can be brought in
19 and so forth, does the agent sometimes say will you get
20 the tugs for me?

21 A. For those particular companies mentioned,
22 Manchester Liners, only if they are unable to communicate
23 with the tugboats.

24 Q. Well, I didn't mean to select any particular
25 line. I mean agents in general?

26 A. Some do say to the pilot order your own tugs,
27 and others only request you to order their tugs when
28 they can't communicate with the tugs.

29 Q. But you do only order tugs when requested to
30 do so?



1 A. Yes.

2 Q. By the agent?

3 A. Yes.

4 Q. And isn't that what we meant in our original
5 brief filed with this Commission?

6 A. Certainly.

7 Q. We are referring there to a service as part
8 of the movement control service that the pilots perform
9 in the harbour. Is that correct?

10 A. That is what the reference was to, yes.

11 Q. Now, you were asked to compare the accident
12 record between the Reversing Falls and the "PRINCESS
13 HELENE". Now, where does the "PRINCESS HELENE" dock in
14 relation to the harbour?

15 A. It is on the northeast portion of the harbour.

16 Q. Right in the main harbour channel?

17 A. Yes.

18 Q. And it is a straight run right into the
19 wharf practically, is that right?

20 A. Yes.

21 Q. And you don't have to turn any corners at
22 all, do you?

23 A. No.

24 Q. And you come to the same wharf every day?

25 A. Yes.

26 MR. GILBERT: I hate to interrupt my learned
27 friend, but he is telling the witness how it is done.

28 THE CHAIRMAN: That is true.

29 Q. Is there any difference between the navigat-
30 ional problems of bringing the "PRINCESS HELENE" here,



1 navigating it in the harbour every day, or going through
2 the Reversing Falls? Is there any difference, and what is
3 the difference?

4 A. Well, the main difference there would be the
5 confinement of going through the Falls, the room available
6 for manoeuvring. It is a straight approach to the
7 "PRINCESS HELENE" wharf.

8 Q. Which is more dangerous?

9 A. I would consider the Reversing Falls much
10 more dangerous than approaching the berth with the
11 "PRINCESS HELENE".

12 MR. MCKELVEY: I would just like to observe,
13 My Lord, for the record, that Captain Conley, in his
14 testimony in the June sittings, made this perfectly clear,
15 that there is a major difference between the two.

16
17 BY MR. JACQUES:

18
19 Q. You refer to manoeuvreability. Do you know
20 if any manoeuvreability tests were ever carried out on
21 the Saint John tugboats?

22 A. I would imagine, none that I know of, but
23 we did have, I believe the "OSPREY" experienced difficulty
24 in manoeuvring in Courtenay Bay when she first came, the
25 "OCEAN OSPREY", around the dredgers and scows, and I
26 would imagine that they might have had manoeuvreability test
27 after they altered the rudder to make them more efficient,
28 but I don't know of that.

29 Q. What is the incidence of horsepower on
30 manoeuvreability?



1 A. The incidence of horsepower? I don't quite
2 follow the question.

3 Q. Well, manoeuvrability of a tug, or for any
4 ship, is made up of different factors, the turning circle,
5 the area of the rudder for turning circle, shape of hull,
6 and also horsepower. Do you agree with that?

7 A. Yes. I am afraid I am not qualified to
8 answer the incidence of the horsepower over that.

9 THE CHAIRMAN: You had something to do, it
10 was at the beginning of your testimony, with the "VENTURE"
11 at one time during the freshet season. Now, will you say
12 what kind of, as far as size is concerned, what kind of
13 vessel is the "VENTURE" with regard to super tankers?
14 Is it one of the biggest ones, or smallest ones?

15 THE WITNESS: It would be a smaller one.

16 THE CHAIRMAN: I am just asking the question
17 because I see on Exhibit No. 166, I see that it is the
18 second smallest.

19
20 FREDERICK MICHAEL JOHN QUINN sworn

21
22 DIRECT EXAMINATION BY MR. MCKELVEY:

23
24 Q. Would you give your name, address, and
25 occupation please?

26 A. Frederick Michael John Quinn, pilot in Saint
27 John Harbour.

28 Q. This is already in the record, at Volume 2,
29 page 109, My Lord, but perhaps Pilot Quinn might tell
30 us what his qualifications are?



1 are concerned?

2 A. So far as the pilots, to my knowledge the
3 next thing we knew they were building out in Courtenay
4 Bay, and to my knowledge they never consulted us about
5 Courtenay Bay.

6 Q. You keep saying, Mr. Quinn, to my knowledge.
7 Were you in a position at that time to know what the
8 pilots were being asked about?

9 A. Well, ordinarily I assume I was in a position.
10 I don't recall whether I was on the Committee that year
11 or not, but I am kind of one of the older pilots, and
12 usually we get together on these things, so as far as
13 Courtenay Bay goes I wasn't consulted on it at all. I
14 knew nothing about it until they were going ahead with
15 it at Courtenay Bay.

16 Q. When did you first have any discussion, or
17 when did this subject of difficulty of getting super
18 tankers into Courtenay Bay in the freshet season, first
19 arise?

20 A. The first time that we gave it a thought, I
21 believe, was when they started to dredge the channel
22 going from the main channel into Courtenay Bay, and we
23 were wondering how they could hold the dredge at that
24 time. That was something new to us here, and we didn't
25 think they could do that. That is, a dredge is going to
26 go up at any stage of the tide, and they did a magnificent
27 job. Better than we figured they could with the tide
28 running across there, and with that experience in mind we
29 were wondering how about taking larger ships in there.
30 Prior to that we had experience with Imperial Oil for



1 years, and they had a company rule to use Courtenay Bay
2 two hours before high water up until two hours after high
3 water. That was issued, the instructions to the Captain
4 they were not to use that passageway outside of those
5 hours, and we kind of restricted all our movements in
6 Courtenay Bay to that point, until the Irving interests
7 started crowding one way or the other, and we got a little
8 more crowded, we said: "But Imperial Oil for years had
9 issued instructions to their Captains to use that period
10 of tide going in and out of Courtenay Bay".

11 Q. My question was dealing with the taking in
12 of super tankers during the freshet season. When did
13 this problem first arise?

14 A. Well, when we first found super tankers were
15 going to go into Courtenay Bay, we said right off the bat,
16 we advised them that in freshet time it would be an imposs-
17 ibility, or almost an impossibility to go in there, which
18 this proved. There is no two ways about it. We hear
19 about one ship going in. I mean that one ship, they were
20 very fortunate to go in, and I doubt whether that same
21 pilot would try it again. That was the first ship to go
22 into Courtenay Bay during freshet time, under lighter
23 conditions, and that pilot has said he wouldn't want to do
24 that again.

25 Q. Was that the "A.N. KEMP"?

26 A. I believe so.

27 Q. When you said you advised them, who do you
28 mean by them?

29 A. Well, we advised the people that were interested
30 in tankers, I imagine it was down through the line from



1 California Shipping through there.

2 Q. Well, to your knowledge who did the pilots
3 advise?

4 A. I believe, I think it was Captain Bigler from
5 California Shipping, and through that interest it would
6 definitely go to the Irving interest, and anybody inter-
7 ested going into Courtenay Bay.

8 Q. Would that be before they started bringing
9 these large tankers in here?

10 A. No, that is one thing I could not say, whether
11 we advised them before or after, because we didn't know,
12 I didn't know they were going into Courtenay Bay until
13 the construction went on, and then we knew they were
14 going to go in. I don't recall just when the meetings
15 were held, but I know that there were meetings held, and
16 we definitely stated that it was one of the times of the
17 year you couldn't go into Courtenay Bay, was freshet
18 season, it was proved we were right.

19 Q. I think there is already evidence given by
20 the Superintendent of Pilots, who said that it would be
21 possible to make a definite rule to the effect that no
22 ships could come in, no ships over a certain size could
23 come in there during the freshet season, but that the
24 pilots don't like to do that. They like to make other
25 arrangements, or like to do something else, rather than
26 make a firm rule that none of them would go in.

27 What is the attitude of the pilots in this
28 matter?

29 A. It has been all along that if you made a
30 steadfast rule with a tidal port such as here, we are



1 going to lose business, whether it is in Courtenay Bay
2 or the Harbour, that we will consider each job individually,
3 and we will bend over backwards to try to accommodate the
4 ship on the basis of handling qualities, conditions of
5 weather and tide, and we have done that for years, and
6 through this interest we have there is not too many ships
7 held up in the Port of Saint John.

8 Unfortunately, the tankers are going into
9 positions that we figure is relatively more dangerous
10 than any other part of the harbour, and rather than have
11 accidents we are going to advise the master of the ship,
12 who is the owner, the master is the owner of that ship
13 coming in here at that time, we are advising him, and
14 that is the only expert advice, if I may term it that,
15 he can get in a local port that he can trust.

16 Q. You say you bend over backwards. Can you
17 elaborate on that?

18 A. Well, there is a number of incidents. I
19 think my brother, Frank Quinn, had an instance where
20 Captain Bigler made the statement, it is in evidence, that
21 the pilots had bent over backwards, and he is one of the
22 principals from the California Shipping, or Standard Oil.
23 This happens all the time when you are taking a ship in
24 and a ship out, and you might have three movements in
25 Courtenay Bay, and you stretch a point and say, well, we
26 are not going to take a loaded ship out after high water
27 on the falling tide if she is going 32 or 33 feet. We
28 do stretch a point, but we find that they always want a
29 little more. We are taking them out an hour after high
30 water, but they want more. The first thing, when you have



1 a major accident there, they say "Why did you do it?" We
2 are bending as far as we can go, and we are taking chances
3 at times.

4 Q. Well Mr. Quinn, isn't that rather similar
5 to what you do ordinarily in the main harbour when a
6 question arises as to whether a ship can be moved at the
7 tidal dock outside the high water?

8 A. I would say that it is a very difficult subject
9 when you are considering Courtenay Bay because an accident
10 in Courtenay Bay will tie that channel up, especially on
11 these major tankers, and tie the drydock up, Courtenay Bay,
12 tie Courtenay Bay up, and you have one of those large ships
13 in the channel. I don't know how long it would take to
14 get her out.

15 Q. Well, although the problem is similar, it is
16 of more major proportions. Is that correct?

17 A. It is definitely.

18 Q. Do you recall some arrangements that were
19 made this year with respect to the draft of vessels,
20 tankers, during the freshet season still?

21 A. If I remember rightly, I am not sure of the
22 figures the pilots were discussing in lightering the
23 ships in freshet time, and they suggested a draft, and I
24 could be wrong in this, I think it was 26 feet.

25 Q. I think it is already in evidence that it was
26 27?

27 A. I think we stipulated 26 feet. There was a
28 definite draft stipulated, and we found to our horror
29 that the good points we were trying to protect, they were
30 overloading them as much as six to eight, nine inches



1 over what we had suggested would be fair and safe. They
2 took advantage of us.

3 Q. How did this arrangement come about?

4 A. This arrangement came about on the tides, the
5 height of the tides. Coming in the Courtenay Bay channel
6 you are limited to the south of the channel. If anything
7 happens, you have a limit that you can pass over at high
8 water.

9 Q. You misunderstand my question Mr. Quinn. Why
10 did the pilots make this ruling, or statement, that they
11 would take ships in over a certain, under a certain draft?
12 Were they requested to, or did they take it upon them-
13 selves, or what?

14 A. No, this was only an advice, or suggestion we
15 were offering to the ship owners, or agents, for the safety
16 of the ship.

17 Q. But did the ship agents ask you for advice as
18 to what draft you considered safe at that time?

19 A. At that time they wanted to know what draft
20 we would take ships in, that is lightering from the large
21 tankers in, and that is the draft we suggested. As I
22 say, it was 26 feet. I might be wrong in that.

23 MR. MCKELVEY: Your Lordship, I would just
24 like to observe at this stage that in the evidence of
25 Francis Quinn, in the latter part of Volume 35, this is
26 referred to, and he gave evidence there that notwithstand-
27 ing the pilot's advice that 27 or 26 feet, or whatever it
28 was, was the safe draft, he was told by one of the Kent
29 Line people that the vessel was loaded to this agreed
30 draft, and when he got aboard the vessel he found it was



1 loaded to something like 29 feet. This was a few days
2 after the arrangement had been made.

3 I just observe that because we have been
4 charged with lack of co-operation. The pilots are charged
5 with lack of co-operation. There is evidence that the
6 lack of co-operation, at least in that evidence, was the
7 other way.

8 Q. Now Mr. Quinn, did you hear the evidence of
9 Mr. Forsyth at one of these previous inquiries, one of
10 these previous hearings?

11 A. I was present.

12 Q. Mr. Forsyth, you will recall, produced a
13 graph of the height of the water at Oak Point?

14 A. Yes.

15 Q. And he suggested that it should be possible
16 to forecast what the height of the water in the harbour
17 will be, and somehow from that determine what the current
18 conditions will be, which I think we can accept as probably
19 possible.

20 Could you comment on whether that would solve
21 this problem? Mr. Forsyth says he has a problem of fore-
22 casting when he can get his ships in.

23 Would something of this nature solve the
24 problem?

25 A. I wouldn't say it would solve the problem
26 entirely. It could go to help towards solving the problem.
27 The height at Oak Point, and by the time the water recedes,
28 from Oak Point down to the entrance to Courtenay Bay, you
29 can have a heavy rainstorm, you can have a south-easter to
30 south-west wind in ~~between~~ that period, and that I doubt



1 very much, I doubt very much whether from Oak Point that
2 would make an awful lot -- I don't think it would be worth
3 the effort. I don't think it would be worth the effort
4 for the value and information we would assume from that.

5 Q. Let's assume that neither you nor I are
6 experts in hydraulic engineering, but let's assume that
7 from the various water level gauges between Fredericton
8 and Oak Point, let us assume that one can predict what
9 the current in Saint John Harbour is going to be tomorrow
10 and the next day, to what extent would that solve the
11 problem?

12 A. If you could predict the current in Saint John
13 Harbour tomorrow, and I could assume then whether I could doc
14 super tanker according to the height of the tide, I would
15 have some idea of what to work on. There is that possibil-
16 ity. I mean, I would be foolish to say otherwise.

17 Q. But are there any other factors which should
18 be considered?

19 A. Well, there is the factor that a south-east
20 wind here will raise that water in the harbour as much as
21 a foot, a heavy south-easter. So I mean, who can predict
22 this weather 24 hours ahead?

23 Q. Would the nature of the propelling power of
24 the vessel have anything to do with it?

25 A. Have anything to do with going in Courtenay
26 Bay?

27 Q. Yes?

28 A. Oh, the size of the vessel and the nature of
29 her engines, the capability of the engines, the whole
30 thing, sure it would.



1 Q. The wind?

2 A. The wind, weather, everything.

3 Q. So there are a good many factors then that
4 one couldn't predict very far in advance?

5 A. No, there are numerous factors that you can't
6 predict.

7 Q. If Mr. Forsyth said that Irving Refining would
8 be willing to spend some money to try to develop some kind
9 of a forecasting thing of this nature, you are on the
10 pilots' Committee, and I assume you have authority to
11 speak for the pilots. Would the pilots co-operate on this
12 study?

13 A. The pilots have always been willing to co-
14 operate. We want to know why they are moving ships at
15 low tide, 34 and 35 peak, when they know they have not got
16 the water in the channel, and they expect us to drag them
17 out. They have the tide tables. We are willing to offer
18 suggestions to save money, but it is out of our hands.
19 They bring vessels in on a small tide, and the ships have
20 to lay out there. There is no co-operation with regard
21 to us suggesting things.

22 Q. Are you speaking of ordinary conditions?

23 A. Yes, they have ships loading now. They have
24 the tide tables for that period, and they shouldn't load
25 the ships to that depth. That is not the Irving interests.
26 It is some charterers.

27 Q. The charterers, you say, are loading the ships
28 deeper than the channel waters?

29 A. Yes, they have done it. We tell them. That
30 is not the pilots' fault, but we are blamed for holding



1 the ships out.

2 Q. Can you give us an instance of this?

3 A. No, we don't -- actually we are here to try and
4 facilitate the movement of ships and if we can't do that
5 we don't make an instance and write everything down. That
6 is entirely the refinery and the agent. If they tell me
7 the time a ship is held up I can look at the tide table
8 and give them reasons. I don't think we should take
9 instances of accidents and why ships are held up. We are
10 there to help the shipping people. We want them in as
11 fast as we can get them. It is better for us. We will
12 bend over backwards for that.

13 Q. Let's turn to this tugboat situation. First
14 of all, you will recall that we stated in our first brief
15 that the pilots ordered the tugs.

16 What does that refer to?

17 A. Well, the pilots actually aren't ordering the
18 tugs. The pilots are acting for the agent in any case.
19 I can name you numerous cases where the agents say: "Well,
20 you contact the tugs". In that main brief we do, we stated
21 we coordinate the workings in the harbour. What we call
22 ordering the tugs, if I know a ship is going to be finished
23 at a certain time, and another ship is going to be held
24 up, I make the suggestion, you might call it an order,
25 I say to the tugs: "Go to this ship first. She is going
26 to be ready." But the same jobs will take the same tugs.
27 It is in the sense of coordinating the work of the tugs.
28 We do possibly shift tugs from one job to another. At
29 times that caused a wee bit of hardship among the agents,
30 but that is the only way it can be, unless they have some



1 harbour master to take this thing over.

2 Q. The other shipping companies that come into
3 Saint John, what tugs do they use?

4 A. Well, in the main they use the Harbour tugs.

5 Q. What companies use the Irving tugs?

6 A. There is only one company to my knowledge,
7 and that is being forced on them by Irving interests, if
8 I may put it that way. It is the Irving, or their
9 interests are shipping lumber out through a company here,
10 and apparently this company is calling up in tethers. They
11 want to know why we can't use Irving tugs. I said: "Well,
12 Mr. Irving said up here on the inquiry he didn't care
13 about harbour business", but they are trying to force this
14 lumber company to use Irving tugs.

15 Q. Well, apart from that, what companies actually
16 use Irving tugs now?

17 A. Well, this is the only instance. I told him:
18 "I am not going to get into this towboat situation at all,
19 whatever you want to do." They had already a Harbour
20 tugboat, so to my mind they forced an Irving tug on the
21 the ship. I don't know what happened, whether the Irving
22 tug got paid or not. That is something I don't know.

23 Q. So is this company that you refer to the
24 only company, other than Irving itself and California
25 Shipping, and these tankers, is that the only one, other
26 than those companies?

27 A. That is the only instance I know. He said
28 he ordered a tug, this gentleman--- I can name the man.

29 Q. We have heard quite a bit of -- we have asked
30 other pilots this, Mr. Quinn, what their views are



1 regarding the conditions as regards tugboats. Are you
2 ever called upon to recommend to either agents or masters
3 which tugs, which group of tugs, should be used?

4 A. Am I ever called on?

5 Q. Do you ever, is it part of your duties, put
6 it that way, is it part of your duty to recommend which
7 tugboats should be used in your view?

8 A. Well, I feel very strongly on that. I feel
9 it is my duty to recommend to the captain of any ship, I
10 want to give him the best service possible in the port.
11 I would recommend whatever I figure is best for the safety
12 of that ship, and I do recommend the Harbour tugs.

13 Q. What are your personal views for recommending
14 Harbour tugs?

15 A. Well, I have worked with the Harbour tugs
16 for years. I know just what the captains of those tugs
17 will do. They are always ahead of me. They know what I
18 will do, and I know what they will do. They are ahead
19 of me in my movements. They are right on the spot. I
20 don't have any trouble with them, and it is a matter of
21 using the most efficient thing to dock the ship, and they
22 are more efficient than the other tugs. There is no
23 question about it.

24 Q. Well, what is the reason for them being more
25 efficient? We have heard two reasons so far, inexperience
26 of personnel and lack of manoeuvrability, and there seems
27 to be some people who feel one thing, and some people who
28 feel the other.

29 What are your views?

30 A. Well, there is no question about it. I know



1 there is incidents that happen, and I am sure that the
2 Irving interests have all these things on paper. We don't
3 record these things, because I don't like to knock another
4 man. That is one of the things we don't do. I mean, if
5 we are going to hold, like living in Russia, I don't want
6 to take a paper and mark down everything that happens to
7 the Irving tugs. That is no good. They are not exper-
8 ienced, and they are not capable. They can't stand up
9 to the Harbour tugs. If we had to use the Irving tugs in
10 the harbour on lines we would have accidents, and the
11 ships would go out of this port if you started knocking
12 ships around in this port. This port has a good reputa-
13 tion. That is recognized in Ottawa. I believe our
14 Department states that.

15 Q. There is evidence that a few years ago the
16 Irving interests discontinued the use of pilots in taking
17 their ships from one part of the harbour into the
18 Reversing Falls and back again. Do you know whether there
19 have been any incidents, or mishaps, during the time,
20 or at any time when these vessels have been going in
21 there without pilots?

22 A. Yes, there has definitely been, and I don't
23 know, I think there has been -- as I say, we don't
24 record them but there has been since the last hearing
25 here there has been incidents that happened. There was
26 no pilots involved, but these things happened. I don't
27 know who was at fault, because I wasn't aboard there.
28 There was no pilots involved.

29 Q. Have you prepared a table showing a comparison
30 of the dues, the present dues and the proposed dues,



1 after an increase on tankers, with what the pilotage dues
2 now are in Halifax?

3 A. Yes sir.

4 Q. Is this document what you prepared?

5 A. Yes it is.

6
7 ---EXHIBIT No. 617: Comparison of present and proposed
8 Saint John dues on super tankers,
9 with dues for the same ships payable
10 at the Port of Halifax.

11 MR. MCKELVEY: I might just observe, My Lord,
12 the Exhibit speaks for itself, but it shows the three
13 vessels that were referred to in the back of the original
14 brief of the Saint John Pilots, showing the present Saint
15 John tariff, the proposed Saint John tariff after giving
16 effect to the surcharge, compared with Halifax, and in all
17 cases the Halifax charges are larger than Saint John.

18 In one case the increase is not great, but
19 Halifax is still higher, and it is now being suggested in
20 the brief filed by Kent Line that this will make pilotage
21 in Saint John so much more expensive than it is in
22 Halifax that the vessels can't come here. That, of
23 course, is not true.

24 ---At 5:00 p.m. the hearing was adjourned until 9:00 a.m.
25 on the 27th of August, 1963.

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27 - - -
28
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30

ROYAL COMMISSION

ON

PILOTAGE

HEARINGS

HELD AT

SAINT JOHN
NEW BRUNSWICK

VOLUME No.:

58

DATE:

August 27, 1963

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1 ROYAL COMMISSION ON MARINE PILOTAGE

2 Proceedings of the hearings held
3 in the Court House, Saint John,
4 New Brunswick on Friday, the
5 27th day of August, 1963.

6
7 COMMISSION:

8 The Honourable Mr. Justic Yves Bernier Chairman
9

10
11
12 COMMISSION COUNSEL:

13 Mr. Maurice Jacques
14

15
16
17 Mr. A. B. Gilbert, Q. C.) for Kent Line, Irving
18 Mr. Donald M. Gillis, Q. C.) Refining Limited, and
Irving Oil Limited.

19 Mr. E. Neil McKelvey Q. C. for the Pilots of the
20 Pilotage District of
21 Saint John.
22
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30



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August 27th, 1963

---Upon commencing at 9.15 a.m.

MR. McKELVEY: Your lordship, before calling Mr. Quinn back on the stand I would like to, with the leave of your lordship, make a few remarks regarding the report in this morning's newspaper, which I feel states the matter referred to improperly.

In the "Telegraph-Journal" this morning, the headline of the article reads: "Pilots' Pay Doubled After Refinery Started". This was based on a statement by my learned friend, Mr. Gillis, which the witness didn't agree with, and the headline in the newspaper followed my learned friend's question, rather than the response to the question, and the headline is erroneous.

I refer to Exhibit No. 48, which is the report of the Pilotage District for the year ending March 31, 1959, and which gives the pilots' income for the full-time pilots at \$8,423.23. That is for ten full-time pilots who performed -- the number of the vessels rather was 1,237. That includes inward and outward only, and doesn't include other assignments.

Exhibit No. 47, which is the report of the -- and that is the 1959 figures that were referred to -- the next exhibit, No. 47, which is the report for the year ending March 31st, 1960, again practically a full year without any vessels going to the refinery. The



1 refinery, according to Mr. Irving's evidence, became in
2 operation in the month of March, 1960, \$11,123.34, which
3 was a total of only eight full-time pilots, a slight
4 increase in the number of ins and outs, 1,377.

5 So it is the 1960 year that represents the
6 position before the refinery was constructed.

7 Now, the next exhibit is No. 46, which is
8 for the year ending December 31st, 1961. Apparently
9 the last nine months of 1960 aren't accounted for in
10 the records before the Commission, so that you will
11 have to come to the calendar year 1961 as the first
12 full year after the refinery came into operation. In
13 that year the total income to the pilots was \$115,550.
14 Now, there were eight full-time pilots up until the
15 month of October of that year, when the ninth was
16 taken on. If you divide that \$115,550 by eight, you
17 will have \$14,440. Considering that the pilot who
18 came on in October would have some remuneration, I
19 think we can assume by division that the income of
20 the pilots for the first full year for which we have
21 accounts after the operation of the refinery was
22 \$14,000.

23 During that year, the calendar year 1961,
24 the total ins and outs were 1,576.

25 I refer now to Exhibit No. 45, for the next
26 year, the year ending December 31st, 1962. There we
27 have a total income shown on the exhibit of \$106,094.
28 There were in that year nine pilots, and dividing the
29 total figure gives us \$11,561. Again that may not be
30 accurate on account of the fact that the pilot who came



1 on the previous year would be on a reduced salary, so
2 in round figures let's say that the full-time pilot
3 would receive approximatey \$12,000. During the year
4 1962 there were 1,499 ins and outs, a reduction from
5 the year before.

6 So then, to review the situation, to sum-
7 marize, rather than the picture being as indicated in
8 the newspaper as headlines for the last full year before
9 the refinery was in operation the pilots' average was
10 slightly over \$11,000 for 1,377 ins and outs. For
11 the first year for which we have accounts after the
12 refinery was in operation, during the 1961 calendar
13 year, the income was roughly \$14,000 for 1,576 ins
14 and outs. The second full year, the calendar year
15 1962, the income was roughly \$12,000 per full-time pilot,
16 with a reduction in the number of assignments to 1,499.

17 So I hope that with that information the
18 newspaper will correct the erroneous headline which
19 they based on statements by my learned friend, which
20 aren't supported by the official figures of the Pilotage
21 District.

22 Before I sit down I would like to say this,
23 that the pilots do not deny that the construction of
24 the refinery and the bringing in of the vessels has
25 increased their income. One would be foolish to deny
26 that. On the other hand, we will produce evidence to
27 show the extent to which that has affected the income
28 of the pilots, and it I believe, I am not sure of this,
29 but I believe that it is not the full extent of the
30 increase even shown by the figures that I have given,



1 and as pointed out in our brief, and as was also men-
2 tioned in evidence, the request for an increase in the
3 pilotage dues paid by these tankers is based on the fact
4 that the navigation of these tankers is a particularly
5 hazardous and difficult operation, far more difficult
6 than the navigation of vessels of equivalent draught
7 in the harbour.

8 You will recall the evidence, my lord, that
9 it is caused not only by the current situation in the
10 freshet season, it is caused by the length of the
11 vessels and the narrowness of the turning circle in
12 Courtenay Bay, where these very, very long vessels have
13 to be turned.

14 I just direct your attention to the evidence
15 given during February as to the extra difficulty in-
16 volved in the navigation of these vessels. The situa-
17 tion is the same as for any other professional man, a
18 doctor or a lawyer. It is the practise of the legal
19 profession to charge more for a case involving more
20 difficulty and a large amount of money than it is for
21 a small case. I am sure my learned friends would
22 charge more for a million dollar case than for a thousand
23 dollar case, and I am sure my learned friends would be
24 the last to suggest that they should not receive more
25 for a million dollar case because they made a lot of
26 money that year.

27 THE CHAIRMAN: Unless he had a retainer.

28 MR. McKELVEY: Yes. That is the basis
29 upon which this is made, that a pilot should be entitled
30 to a larger fee for an extra difficult, or extra



1 hazardous work.

2 THE CHAIRMAN: I think you gave the explana-
3 tion to the newspapers. Of course they can't be blamed
4 too much, you know, when they come and hear only part of
5 the evidence, and then they think that everything has
6 been said about it. Of course, as far as we know, when
7 we listen to a case you don't try to answer all the
8 arguments of the other side, or all the facts brought
9 up, which are maybe not complete right away. You know
10 that the case is not over. It is going to take another
11 day or some more time, and you know that your turn will
12 come, but I know that if somebody just passing through
13 the Court House hears part of it they will think that
14 only that has been established, and if it were so, of
15 course, you know whenever a lawyer was stating something
16 that may be not absolutely right or true as far as the
17 other party is concerned, well, we would have no con-
18 trol about what would be going on if everybody were
19 talking together.

20 So the Court procedure is that everybody has
21 a chance to speak, and to try to establish his facts.
22 Then the other has his chance also, and it is only right
23 after that, at the end when there are the Pleadings, that
24 we can appreciate what has been established, when every-
25 body has had his chance to say what he wanted to say, or
26 to establish what he wanted to establish.

27 So we find that very often facts are reported
28 before they should be really, but we can't be blamed too
29 much for that, on account of the complication of the
30 situation, especially here where we have been sitting for



1 ' the third time now.

2 Now, with regard to the second point which
3 you drew, as to how they should be paid, whether it is
4 normal to ask more for a supertanker than for something
5 else. It all depends upon the way it is arranged. Of
6 course, in principle we would say that the dues, or the
7 fees, should be prorated to the difficulties encountered,
8 and also the burden of the responsibility in each case,
9 and of course to a certain extent that is what it is
10 here, even before the surcharge, because I will say that
11 the dues being based on tonnage, well, the more tonnage
12 you have the higher the fees you have. But this may
13 be even not proportionate to the difficulties and the
14 responsibility. Well, this is a mechanism to decide,
15 and it may be also that at places you may decide just
16 to leave that, to take another basis altogether to
17 calculate what fees should be paid at that place. It
18 could be just by the job, and well, the less difficult
19 job -- for instance, you could say that when it is
20 windy you should pay more than when it is still weather
21 because there is less difficulty and less responsibility.

22 In any event this is a problem that we are
23 encountering all across the country, and at places they
24 say, for instance in the harbour of Montreal, we have
25 seen places anyway, where it doesn't depend how big
26 the ship is. It is a flat charge, a small ship or a
27 big ship. Well, this is a matter of calculation.

28 As I said with regard to the lawyers, he
29 may have a retainer, or some other way to calculate, as
30 long as they have a fair income, prorated to their



1 responsibilities.

2 So we are going to take into consideration
3 all the recommendations that we have received, and I
4 don't know, we have no idea as yet as to what we are
5 going to do. This is not the first place where the
6 question of dues has been brought up, and this is a
7 question we have to establish.

8 MR. McKELVEY: The matter of dues was
9 thoroughly gone into in February before the Commission,
10 and it is not our intention to rehash all that evi-
11 dence. It is in the record, and I trust that I didn't
12 make the impression that I was being critical of the
13 newspaper. I appreciate, as your lordship explained,
14 the manner in which these things arise, when you only
15 hear one side of the case, but I thought it my duty
16 to correct the headline, which created a false impres-
17 sion. We don't deny that the refinery has increased
18 pilotage dues. There is no question about that.

19 I think now, if it please your lordship, I
20 will recall Mr. Quinn and continue with his evidence.

21
22 FREDERICK QUINN, recalled

23
24 THE CHAIRMAN: You are under the same oath
25 as yesterday.

26 THE WITNESS: Yes, sir.

27 DIRECT EXAMINATION BY MR. McKELVEY (cont'd):

28 Q. Mr. Quinn, have you prepared any
29 figures which indicate the extent to which the vessels
30



1 going into the refinery have increased the income of
2 the pilots?

3 A. Yes. Just this morning, prior to
4 coming by, I looked up the year 1960. That is when
5 the refinery opened, and for that year, just counting
6 with the crude oil ships, there is approximately, this
7 is only an approximate figure, I had no chance to check
8 it, they brought in \$8,748. That was gross earnings
9 for the crude oil ships. That was the additional to
10 our fund for crude oil ships only.

11 Q. But your calculations don't include
12 any of the other tankers? You are referring strictly
13 to crude oil ships?

14 A. Yes.

15 Q. And if there were any increase in the
16 oil tankers going into Courtenay Bay, of course that
17 would be in addition to that?

18 A. Yes.

19 Q. You are referring only to crude oil
20 ships?

21 A. Yes.

22 Q. And how many pilots were there on that
23 year?

24 A. In 1960 there were eight pilots, eight
25 full-time pilots in that year.

26 Q. That is the year that Mr. Vallis
27 became a probationary pilot in October?

28 A. In October -- it is only a couple of
29 months.

30 Q. Now, was there, Mr. Quinn, when the



1 tankers, the crude oil tankers, started to come into
2 Courtenay Bay, were they accorded any priority of treat-
3 ment by the pilots?

4 A. Yes, with the crude tankers we tried
5 to get in between an hour before high water and high
6 water, and with jobs in the harbour there are times when
7 we, through mutual agreement with the agents, we let
8 the ships lay in the harbour. They had to wait while
9 we got these crude ships in, because they had to be in
10 on the tide. So we definitely gave them a preference
11 in that respect.

12 Q. In the days when there were special
13 pilots in this port -- first of all, when did the
14 special pilot arrangement come to an end? Perhaps if
15 you will just wait a moment I will get you the exhibit.

16 I show you Exhibit 424, which deals
17 with this question. With that exhibit you can answer
18 that question quite accurately I believe?

19 A. Well, this states here, it is on --
20 this letter is dated April 22nd. I presume we got it
21 back from Ottawa possibly about the 24th. Well, that
22 would be around approximately April 24th, 1960, we did
23 away with the special pilots.

24 Q. What special pilots were there just
25 before this?

26 A. Well, just before this the Manchester
27 liners had two pilots assigned for their work, and the
28 Canadian Pacific had two pilots assigned for their work.

29 Q. And who were these pilots?

30 A. Well, Mr. Cobham was ---



1 Q. Which Mr. Cobham?

2 A. Mr. Ronald Cobham was with Manchester,
3 and Mr. Alexander with Manchester, and at that time my
4 brother and myself were CPR pilots.

5 Q. So you were one of the special pilots
6 for the CPR prior to the ending of this arrangement in
7 1960?

8 A. Yes.

9 Q. Why was this? I believe this is al-
10 ready in the record, in the evidence of the of the
11 Superintendent of Pilots, but let us hear from you, as
12 the spokesman for the Pilots' Committee, what was the
13 reason for abolishing this arrangement of special pilots?

14 A. Well, the reason at the time was,
15 Ottawa actually were in favour of doing away with
16 special pilots. They had given this idea up in other
17 ports, and it wasn't too satisfactory with the pilots
18 themselves in many ways.

19 Q. Well, that is what we would like to
20 hear.

21 A. It gave a prestige angle to certain
22 pilots. It more or less classified the pilots, one
23 better, one good, and we didn't like that. We are
24 all qualified to do the job. The only reason it was
25 established was on account of their passenger boats.
26 They would have to know four or five days ahead, for
27 making up trains, and arrangements in discharging
28 passengers, and the pilots couldn't tell them whose
29 turn it would be on that particular day, because we
30 took turn about, two in a row, and it caused confusion



1 for these passenger ships. That was the reason for
2 establishing it originally. We found that with the
3 type of pilots we have now that they are all willing
4 to take their turn, and we just did away with it.

5 Q. And who suggested the abolition of
6 this, you or the Department of Transport?

7 A. I really believe it was arrived at
8 mutually. It really came from the pilots, but as I
9 say, Ottawa was quite in agreement. In fact I think
10 they were happy to see it broken up.

11 THE CHAIRMAN: With regard to those
12 special pilots, they were chosen by the various com-
13 panies concerned, weren't they?

14 THE WITNESS: At the end. Originally
15 it had started that we -- but the last couple of choices,
16 after we had lost our pilot boat, there was a CPR pilot
17 lost on that, Mr. Murray, and I had been working with
18 Mr. Murray, and CPR asked me to designate a man, and I
19 said no, I thought it was up to the pilots themselves.

20 THE CHAIRMAN: That was the procedure
21 they had in other ports. The senior special pilot
22 would recommend another?

23 THE WITNESS: Well, that is what they
24 wanted me to do, but I didn't, and the pilots got to-
25 gether and designated one, and from there on it was
26 more or less the pilots themselves. So actually that
27 did away with the one fellow, the individual naming a
28 pilot. From the time that Mr. Murray was lost it
29 was the pilots as a group said as to who would follow
30 along as a special pilot. I didn't name the next man.



1 Q. I assume that the pilots are interested
2 in cooperating to solve the problems that have been
3 placed before the Commission?

4 A. Yes, we are very anxious.

5 Q. Now, one of the solutions that was
6 offered to this problem of getting tankers in during the
7 freshet season, I believe it was suggested by Mr. Irving,
8 was that they should have the right to select what pilot
9 they want to do the job, in other words the special
10 pilot system.

11 Would you care to comment on that as
12 a suggested means of overcoming the difficulty?

13 A. Well, I fail to see how that can
14 overcome the difficulties, because I don't believe that
15 they can bring any specific case where a pilot on poor
16 judgment refused or delayed a ship. I can't recall
17 any one pilot that hasn't at some time or another
18 brought the ships in, and there are the odd cases in
19 freshet time and weather where there was a discrepancy
20 or a difference of opinion as to whether it was safe
21 or not, but on the whole I think they have had very
22 good service from every pilot. I don't believe they
23 can name one pilot that didn't give them good service.

24 Q. Well, I believe Mr. Irving said that he felt
25 that if he could select his pilots he could get tankers
26 in at times when one pilot might bring a tanker in and
27 another would not.

28 Is that the case in your view?

29 A. To my mind a system like that, which
30 was the sad thing about the special pilots, is that that



1 man is under company pressure, and a pilot should have
2 the freedom to give proper advice without any compul-
3 sion, or any pressure being put on him. It is not
4 fair to the shipowner or the captain of the ship, who
5 is representing the shipowners. The pilot should have
6 freedom of giving advice to the ship. That is the
7 biggest fault of having special pilots.

8 Q. It was suggested, I believe, that they
9 would be willing to pay extra for this special pilot.
10 Would that have a bearing? Would that make it any
11 better, or any worse, or what?

12 A. Well, after all, as I say, this job
13 has been handled in the routine manner by every pilot,
14 and I don't see where they can put a finger on one
15 man and say he hasn't done a good job. That extra
16 money could go into the funds. That is what the cent
17 a ton is. If they could afford to pay a special pilot,
18 surely they could afford to pay for the same service
19 being done by another pilot.

20 Q. Well, when you pilots receive extra
21 remuneration, who gets the money?

22 A. It has been going to the private pocket
23 of the pilot.

24 THE CHAIRMAN: I understand from the
25 evidence we have had so far that bringing a supertanker
26 into Courtenay Bay in the freshet season under adverse
27 conditions is the most difficult job you have around
28 here?

29 THE WITNESS: I would say so, my lord,
30 yes.



1 THE CHAIRMAN: Have you given any
2 thought as to the possibility of this job being handled
3 by a special class of pilot that would be appointed by
4 you, like it was done in the St. Lawrence River? For
5 instance, they have arranged for three classes of pilots,
6 A, B and C, and there are even divisions in them. So
7 the young pilot coming to a job, of course, hasn't got
8 the skill that an older pilot may have, and even for an
9 older pilot, you know, he may not be as skilled as the
10 fifth one or the third one, because some are more skilled,
11 you know. This was an argument that was brought before
12 this Commission here also. So they have on the St.
13 Lawrence River arranged for a class of pilots qualified
14 to Class B after a certain time, but some of them will
15 be Class A and for a limited period of time, for so
16 many years, and if the record is not good for some
17 reason or other they go down to Class B, so as to have
18 in Class A only pilots who are, without any reflection
19 on the character of the others, but are ~~more~~ skilled.

20 Would that be possible around here,
21 a system like that?

22 MR. JACQUES: If I may add here also,
23 that any pilot may refuse to be Class A.

24 THE CHAIRMAN: And some have.

25 MR. JACQUES: They would remain Class
26 B, which is the general class of pilots, and Class A are
27 pilots who are assigned to the large ships, I think
28 over 7,000 tons net.

29 THE WITNESS: Well, the difficulty
30 in the St. Lawrence, we have to face the fact that they



1 have a large body of men. We are down to nine men, and
2 they are trying to cut it down to eight. How are you
3 going to get different classes out of eight men?

4 THE CHAIRMAN: That is right, but I
5 am thinking, you know, when one of you is leaving, the
6 last one who is going to come, he certainly won't have
7 the skill that you have, and one day he is going to
8 be assigned to the supertankers in the freshet season
9 in adverse conditions. Why shouldn't it be in a case
10 like that as a matter of principle -- I understand when
11 he is allotted this ship it is going to be his respon-
12 sibility, so why in a case like that the pilots shouldn't
13 talk among themselves and say well, that is all right. It
14 is too hard for you. You will come and assist one of
15 us?

16 THE WITNESS: Well, we do that with
17 new and younger pilots. There are jobs that crop up,
18 and we suggest that one of the older pilots take it. We
19 do that to protect our own name. We want the name of
20 the pilots of Saint John to be good on the job. We
21 don't want any accidents. So that is the way we bring
22 the men up in our service. We have done that all along.

23 THE CHAIRMAN: In other words, could
24 it be a little more flexible, so that when the pilots as
25 a body think that the job should be handled by this or
26 that pilot, it should be?

27 THE WITNESS: Well, that is true. We
28 have cases like the "Bonaventure", the aircraft carrier,
29 and we say, well, we might as well skip his turn. Some-
30 body else will do it.



1 THE CHAIRMAN: Oh, you do that?

2 THE WITNESS: Yes, we always did it
3 on hard jobs.

4 MR. McKELVEY: Do I understand your
5 lordship's latter suggestion to be that the Class A
6 pilots would only function as such during the freshet
7 season, handling the large tankers?

8 THE CHAIRMAN: For the most difficult
9 jobs it would be that a Class A pilot would do them, or
10 a system whereby the pilots, among themselves, would
11 appreciate the more difficult jobs, and dispatch a more
12 skilled pilot for that, or somebody who is more exper-
13 ienced.

14 MR. McKELVEY: Well, I suppose that
15 would be the case if it were that the supertankers, when
16 they come in here, if some of the pilots would take them
17 in and others would not. I can see that if you have two
18 pilots among the group of nine pilots, you might have two
19 or three who would be willing to take a supertanker in
20 at a certain time, under certain conditions, and the
21 pilot whose duty it is would not do it. Then I can
22 see that it would be reasonable to suggest that the
23 shipowner should be entitled to have one of the pilots
24 who is willing to do it bring the ship in, if that were
25 the case, but I just question if it has been established
26 that that ever is the case.

27 THE CHAIRMAN: I don't know.

28 MR. McKELVEY: I don't know either.

29 THE CHAIRMAN: I am just giving the
30 example, for instance, of a brand new pilot coming into



1 the service who would not have all the experience the
2 others have. I am not talking of the pilots that are
3 now on strength.

4 MR. McKELVEY: Perhaps I could ask Mr.
5 Quinn this, out of a hypothetical case.

6 Q. Let's suppose, without using names,
7 Pilot A is willing to bring in a certain supertanker
8 during the freshet season. In other words, Pilot A
9 would do it if it were his turn, but it is not his turn.
10 It is the turn of Pilot X, who, for reasons of experience,
11 or some other reason, feels that he is not willing to
12 undertake that job.

13 Now, what would happen under those
14 circumstances? Would Pilot A take the ship in, or would
15 the ship sit out there because it was Pilot X's turn,
16 and Pilot X wasn't willing to do it?

17 A. The ship would definitely come in.
18 If one pilot is willing to take it in the Superintendent
19 has authority to assign that man to the job, so there is
20 no need for special pilots.

21 MR. JACQUES: Just to follow the
22 witness' answer. Do you think that the Superintendent
23 should assign the pilot who is willing to do the job?

24 THE WITNESS: I didn't say he should.
25 I said he has the authority. He can assign any pilot
26 to a job of his liking.

27 MR. JACQUES: Yes, but my question
28 follows your answer. Do you think he should assign
29 him?

30 THE WITNESS: No, I don't think he



1 should, because I think that causes friction amongst
2 pilots, when one fellow will jump over another. There
3 must be a good reason if out of eight men you have
4 one who will jump over seven others. Do you mean to
5 say that one man is more experienced than the seven
6 others?

7 THE CHAIRMAN: In the course of our
8 hearings we came across the problem of bridge aft ships.
9 Apparently they are awkward to pilots, especially for
10 those who have had absolutely no experience with them.
11 They put it to us that it is like driving a bus from
12 the rear seat. Well, apparently after some experience
13 with those ships it is less difficult to handle them,
14 but the pilot who has not had the chance to handle them
15 very often, well it is quite awkward. Well, in a
16 case like that you have a very beamy ship, with every-
17 thing aft, and you have a pilot who has had quite a few
18 of those. Should he not be allotted them, rather than
19 saying, as we have seen at places, well, we are not going
20 to bring them up?

21 THE WITNESS: Well, we have the ex-
22 perience of these ships, and after all, in order to get
23 the experience on the ship we must start some time.

24 THE CHAIRMAN: Of course.

25 THE WITNESS: So we have just taken it
26 according to the roll, and so far we have not had any
27 trouble with them. With eight men it is pretty hard.

28 THE CHAIRMAN: Yes.

29 Q. We are discussing particularly now
30 the brief freshet with the large supertankers. Do you



1 recall any instances where one pilot, would, the pilot
2 on duty is unwilling to take the ship in, but some
3 other pilot or pilots would do it?

4 A. I don't think I should have to answer
5 that question, because there was a remark, it is in
6 evidence, that one pilot brought his ship in after it
7 was lightened, and the same pilot made the statement
8 that he took too much of a chance and wouldn't do it
9 again.

10 Q. I am just asking you if you can recall
11 any example where the pilot on duty said he was not will-
12 ing to run the risk of taking this large tanker in in
13 the freshet season, whereas another pilot would? Has
14 it ever happened, that you recall?

15 A. I almost believe it could have happened,
16 but I couldn't put my finger right on the special case.
17 I imagine it possibly has happened, and some other
18 pilot has gone to the ship.

19 Q. Well, in that case would another pilot
20 have gone to the ship to take it in?

21 A. Well, I say I think it has happened.

22 Q. But the ship got in?

23 A. Oh, yes. Anything like that is kept
24 within our own office.

25 Q. Have you prepared a list of the
26 traffic through the Reversing Falls for the years 1951,
27 1952, 1955, 1956 and 1957, handled by pilots?

28 Is that the list which you have in
29 your hand?

30 A. Yes, I prepared this with the help of



1 other pilots. I took the figures out of our records,

2
3 ---EXHIBIT NO. 618: List of the traffic through
4 the Reversing Falls for the
5 years 1951, 1952, 1955, 1956
6 and 1957, handled by pilots.

7 Q. This exhibit omits the years 1953 and
8 1954, Mr. Quinn. Can you explain the reason for that?

9 A. Our records are missing for those
10 years. That is the pilots' records. We have a record.
11 We keep personally a book in our own office, not the
12 Superintendent's.

13 Q. I may say, my lord, that this par-
14 ticular exhibit doesn't add very much. I did discuss
15 it with Mr. Jacques, and he felt that since it was
16 available it might be filed.

17 Now, Mr. Quinn, we have heard evidence
18 here on behalf of the agents of these tankers giving
19 their views, and the refinery company, and so on. We
20 have not heard anything from California Shipping, the
21 people who own and operate these vessels.

22 Can you tell the Commission anything
23 about the attitude of California Shipping?

24 A. Well, the attitude of California
25 Shipping is that they want ---

26 MR. GILBERT: My lord, this is purely
27 hearsay.

28 THE CHAIRMAN: Well, I suppose it is
29 true as far as he knows. In any event we will see.

30 THE WITNESS: I will quote Mr. Bigler,
who is one of the representatives of California Shipping,



1 and he said this directly to three or four pilots, and
2 I was one of them standing there, that they are very
3 satisfied with the way the Saint John pilots have
4 looked after the supertankers, very satisfied. That
5 is Mr. Bigler's own words. As far as other, there are
6 other problems they run into. I had the last tanker
7 go out, a supertanker. The captain said, "What tugs
8 are you using?" I says: "Well, we have the usual
9 two harbour tugs, and the 'Irving Teak', and I told
10 him how I wanted them placed, and the next thing the
11 'Irving Beech' came up on my starboard quarter to push,
12 and the captain said: "What is the idea of this?" and
13 I said, "I don't know, captain, if your agent ordered
14 him. I have nothing to do with him. I will ask
15 him." He said, "We don't need him," and I said, "Well,
16 for your own information you can tell the Second
17 Officer aft to tell him to leave." I didn't want to
18 tell the tug to leave. The Second Officer couldn't
19 get Captain Chisholm to understand to leave, and I took
20 the megaphone and did. At the same time the "Irving
21 Oak" came to the bow, where the "Hawk" and "Teak"
22 were. Those three tugs pushing on the bow, and the
23 captain said: "What is going on here today?" Captain
24 McGregor was on the dock, and the captain said: "If
25 the Kent Line sent fourteen tugs, do I have to have
26 them?" So he said: "Jack, send that 'Oak' away."
27 We didn't want him either. If we needed him I
28 wouldn't kick, but I had nothing to do with sending
29 the tug away at all. Captain McGregor didn't say a
30 word to me.



1 That is the only problem, and a pilot
2 shouldn't have to get into this at all. That should
3 be ironed out between the company, not the pilots.

4
5 CROSS-EXAMINATION BY MR. GILLIS:

6 Q. Mr. Quinn, I understood you to say
7 yesterday you speak for the pilots?

8 A. You understood me to say I speak for
9 the pilots?

10 Q. Yes?

11 A. I don't speak for the pilots in all
12 matters at all. I don't think that is in evidence. I
13 might have spoke for the pilots on one special thing.

14 Q. Well, in this hearing, that is what I
15 mean. You are speaking for the pilots, are you not?
16 I understood you to say that quite clearly yesterday.

17 A. If it is in evidence I would like to
18 have it read back. I don't recall stating that.

19 Q. Well, we will go on, and if necessary
20 we can have it read back.

21 Am I correct that the pilots are
22 requesting an increase in pilotage dues with respect
23 to supertankers using the harbour of Saint John?

24 A. We have requested it, yes.

25 Q. Yes, that is what you are seeking, and
26 it would only be the supertankers that would be affected
27 by such an increase, isn't it?

28 A. No, that is entirely wrong. The
29 wording of that, due to a misunderstanding it was worded
30 wrong, and that was brought up at the previous hearing.



1 It was qualified then. It was explained, because the
2 Empress boats would have come under that, the CPR Empress
3 boats would have come under that. They are over the
4 tonnage.

5 Q. Well, let's put it this way. The
6 supertankers would have sustained the substantial effects
7 of this increase, rather than the CPR equipment, because
8 CPR boats only come in in a few winter months, don't
9 they?

10 A. That is quite right.

11 Q. And the supertankers use the harbour
12 the year round, don't they?

13 A. That is right.

14 Q. So, would it be fair to say that such
15 a surcharge would result in an increase of 23 to 45 per
16 cent on the refinery; isn't that right?

17 A. An increase of what on the refinery,
18 pilotage?

19 Q. Pilotage?

20 A. Pilotage, to my own mind, is the
21 least bill they have on these ships.

22 Q. Well, I am not questioning that. I
23 am asking about the increase on the pilotage. It would
24 increase it from 23 to 45 per cent, would it not?

25 A. Well, I could figure it out.

26 Q. Well, do you disagree?

27 A. It definitely would increase them. I
28 don't know to what percentage.

29 Q. Well, there was evidence given in
30 February of this meaning an increase of 29 per cent.



1 Do you recall that?

2 A. There was a definite figure.

3 Q. But if the record indicates it was 29
4 per cent, you would agree with it?

5 A. Whatever is in evidence at that time
6 I would agree with.

7 Q. Well, you do agree with this. The
8 refinery is a comparatively new industry in Saint John.
9 Isn't that right?

10 A. Yes, it is.

11 Q. And would you agree that special
12 excessive charges for pilotage dues, unreasonable charges
13 for standby services of a tug, delays in docking, all
14 these could result in a financial loss to the company?

15 A. That has been qualified. You are
16 saying unreasonable charges. Now, who is saying they
17 are unreasonable? I don't claim that the pilotage
18 dues are unreasonable.

19 Q. I said unreasonable charges for ser-
20 vices of a tug?

21 A. We have nothing to do with the tugs.

22 Q. But I am putting it to you. Wouldn't
23 all these factors affect the financial position of a new
24 industry?

25 A. I should imagine that the new industry
26 also had that in mind when they established here. They
27 must have gone into all this, and known what the charges
28 in this port were.

29 Q. Yes, but now you are seeking for
30 higher pilotage dues, after the industry is here?



1 A. At the time this industry was estab-
2 lished we had no idea how the operation of these super-
3 tankers was. It is a new game to us, and at the time
4 our rates have been increased from 1920 until that time
5 to \$1 a foot. If you call that unreasonable with the
6 costs of living gone up -- ours haven't gone up in
7 proportion.

8 Q. The refinery, or these supertankers,
9 have always paid their pilotage dues, have they not?

10 A. Yes.

11 Q. Now, you prepared yesterday, and I
12 think it is in evidence, a scale showing comparative
13 dues paid by the tankers in Saint John ---

14 THE CHAIRMAN: It is Exhibit No. 617.

15 Q. Those under the proposed new scale
16 and those paid in Halifax?

17 A. A comparison I showed, yes.

18 Q. So you went into this question then
19 of dues that are paid in Halifax?

20 A. For a comparative sized ship. If
21 those ships went into Halifax.

22 Q. In respect of charges against what?
23 The refinery in Halifax?

24 A. The owner of the ship will pay the
25 charges.

26 Q. What refineries are there in Halifax?

27 A. I didn't say refineries. All charges
28 are based on the ship, not necessarily tankers. It
29 could be passenger boats, or any others.

30 Q. You didn't compare supertankers in



1 Halifax harbour and Saint John?

2 A. I was comparing the cost of pilotage
3 for that ship going into Halifax.

4 Q. For a supertanker?

5 A. Those three particular ships.

6 Q. Where would a supertanker go in
7 Halifax? Wouldn't it go normally to an oil refinery?

8 A. Yes, that is where it would go.

9 Q. Do you know if the refinery company in
10 Halifax was ever compelled to engage a standby tug on
11 the basis of \$450 per day?

12 A. I wouldn't know.

13 Q. Would you agree that tankers entering
14 the Halifax harbour would not be delayed in docking
15 at any time of the year?

16 A. I quite agree that outside of the weather
17 Halifax has no rise and fall of tide. They have deep
18 water berths, and it is an altogether different situa-
19 tion.

20 Q. And they don't have this freshet
21 system?

22 A. There is no tide in the Halifax
23 system.

24 Q. So you would agree then that there
25 would not be the delays in the Halifax harbour in docking
26 supertankers as there are in Saint John?

27 A. I would agree with that.

28 Q. Well, then, would you not agree that
29 other factors could make the cost of docking a super-
30 tanker in Saint John much more expensive, or higher,



1 than in Halifax?

2 A. I would agree that it costs more to
3 handle it here.

4 Q. And notwithstanding that fact the
5 pilots are now requesting a substantial increase, or
6 a surcharge, on handling these tankers in Saint John?

7 A. In other words, the pilots in Saint
8 John are being asked to subsidize the refinery. They
9 are going to lose money. Is that what you are getting
10 at?

11 Q. I am asking you the question.

12 (The last question is read by the Reporter.)

13 Q. Isn't that a fact?

14 A. I didn't grasp the ---

15 (The same question is read again by the
16 Reporter.)

17 A. We have requested an increase for
18 the supertankers, yes, not only on supertankers, but
19 all ships over a certain gross tonnage.

20 Q. And that is, though, supertankers
21 primarily, is it not?

22 A. They are primarily the ones affected
23 by it, but other ships of that tonnage will also have
24 to pay. It is not just a ruling for supertankers.

25 Q. Now, Mr. Quinn, you referred a moment
26 ago, to what, subsidizing this industry?

27 A. Well, that is the way it appears to
28 me.

29 Q. Well, let's consider that, Mr. Quinn.
30 We heard your counsel this morning talking about



1 remuneration of pilots, but let's have this evidence
2 under oath, Mr. Quinn, and I am going to have you
3 refer to Exhibits 45, 46, 47, 48 and 49.

4 Those are, I presume, the annual
5 returns of the pilots of Saint John. You are familiar
6 with those, are you not?

7 A. I am fairly familiar with them, yes.

8 Q. Well, you looked over them this
9 morning before the hearing?

10 A. We didn't prepare these. They were
11 prepared by the Superintendent.

12 Q. You examined them this morning with
13 your counsel before the hearing, didn't you?

14 A. Yes.

15 Q. Just before we look at those, Mr.
16 Quinn, the sugar refinery has been established in the
17 port of Saint John for a great many years?

18 A. Yes.

19 Q. But the oil refinery is a very new
20 industry?

21 A. Yes.

22 Q. And would you not say that has in-
23 creased the number of ships in the harbour by a very
24 great extent as a result of the refinery constructed
25 here?

26 A. Has the oil refinery increased the
27 ships?

28 Q. Yes, the shipping in the harbour?

29 A. I wouldn't have any idea to what
30 extent that is so.



1 Q. Do you remember giving evidence here
2 in February, and this is what you said at page 238.
3 The question was by Mr. McKelvey:

4 "Q. If the St. Lawrence should become a
5 river that is navigable in winter,
6 can you express any views as to what
7 could happen to the traffic in the
8 Port of Saint John? Would it increase
9 or decrease?"

10 And your answer:

11 "A. Well, all I could say there is that I
12 would be thankful we had an oil refinery
13 here and a sugar refinery. The rest
14 of them would be in Montreal."

15 Do you remember that?

16 A. I quite agree with that.

17 Q. So you were very thankful to have
18 the oil refinery established here?

19 A. The way you are putting it the oil
20 refinery drew ships into the harbour. If the cargo
21 ships were to go to Montreal we would have nothing but
22 the sugar and oil refinery ships here.

23 Q. Don't you agree that the oil refinery
24 did draw ships into the harbour?

25 A. I didn't say that at all.

26 Q. My question was, don't you agree that
27 the oil refinery does draw ships into the harbour? Now,
28 do you agree with it or not?

29 A. I don't know. I would have to go
30 into that.



1 Q. Then you can't answer that question?

2 A. I don't know. It might draw -- there
3 is a few odd ships coming in on the strength of the
4 refinery being there, but what are they? What cargo
5 is going out of the harbour in ships?

6 Q. Don't tankers come into the harbour?

7 A. They are going into Courtenay Bay,
8 but I am talking about the harbour.

9 Q. Well, let's talk about Courtenay
10 Bay. The oil refinery has drawn a great many ships into
11 Courtenay Bay, has it not?

12 A. It has drawn additional tankers in.

13 Q. Which weren't coming here before the
14 refinery was constructed?

15 A. That is quite right. It has added
16 to the number of ships.

17 Q. And I suppose you would agree that
18 due to the oil refinery the pilotage dues have sub-
19 stantially increased?

20 A. No, not the dues. That is what we
21 are looking for, an increase in dues.

22 Q. Well, let's look, if you will, at those
23 exhibits for the year 1958. Do you have that?

24 A. Yes.

25 Q. Is it not a fact in that year there
26 were ten pilots in Saint John?

27 A. Ten pilots, yes.

28 Q. And the total salary of the pilots
29 was \$62,583?

30 A. The total salary, please?



1 Q. The total salary paid was \$62,583?

2 A. Yes, to the ten pilots, yes.

3 Q. And the total pension of the ten pilots
4 was \$14,088?

5 A. Pension fund, yes, \$14,088.35.

6 Q. Making a total, then, of salary and
7 pension to pilots of \$76,671, or thereabouts? If you
8 add \$14,088 and \$62,583, wouldn't that make \$76,671?

9 A. I will take your word for it. That
10 is close enough.

11 Q. I also suggest that while we are
12 looking at the 1958 figures, the average salary then
13 per pilot was \$6,260, approximately?

14 A. You are averaging for two pilots who
15 were only on half pay.

16 Q. If there were ten pilots that year,
17 and the total salary was \$62,583, the average salary
18 would be ---

19 A. The salary for a pilot that year was
20 \$9,127.01, plus his share of the pension fund, if you
21 want the salary for that year of the pilots.

22 Q. I have asked you, Mr. Quinn, the
23 average salary for ten pilots for that year, and
24 wouldn't it be \$6,260?

25 A. I don't know. I have not figured it
26 out. I have the salary for the full average pilots
27 for that year, which is definitely stated in that
28 report.

29 Q. As \$6,260?

30 A. \$9,127.01.



1 Q. Mr. Quinn, will you take this paper
2 and put down, will you, the amount of the total salary
3 paid to the pilots, which is \$62,583, is it not? Is
4 that right? The total salary paid to the pilots, what
5 is it?

6 A. Well, I can't figure -- this gives
7 as the total salary here as \$86,190.60.

8 Q. Mr. Quinn, you just told me a few
9 minutes ago the total salary paid to the pilots was
10 \$62,583?

11 MR. McKELVEY: My lord, I hate to inter-
12 rupt my learned friend, but this witness is being asked
13 to analyse figures that are already in evidence. It is
14 most unfair to put a witness on the stand, when he is
15 not an accountant, to figure out something from records
16 that he didn't prepare. There is no reason to ask
17 the pilot to go through this and be subject to this
18 kind of cross-examination. I submit that this is un-
19 necessary and unfair, and a complete waste of time.

20 MR. GILLIS: Well, my lord, if I
21 understood Mr. McKelvey this morning, he complained
22 bitterly that the Press had picked up something that
23 counsel had said that wasn't given by a witness under
24 oath, so I think it is only desirable that this witness,
25 under oath, after all he is familiar with this state-
26 ment, he should be in a position to give this evidence.

27 THE WITNESS: There is a misstatement
28 here by our friend. The salaries to the pilots, that
29 is the monthly salary, but at the end of the year there
30 is a certain amount that hadn't been distributed, and



1 that amount, the surplus we call it, was \$23,607.34, so
2 the pilots' salary for the year was \$86,190.60, plus
3 what you were attributing to the pension fund.

4 Q. Well, Mr. Quinn, you can offer any
5 explanations you like to your counsel. I am just asking
6 you questions which I feel are pertinent.

7 Now, let me put this question to you.
8 What does it show as the total salary paid to the pilots?
9 Was it \$62,583, or not?

10 A. No, that is not the salaries paid to
11 the pilots for that year.

12 Q. All right. Would you hand me back
13 the exhibit.

14 THE CHAIRMAN: What is the year of
15 that?

16 MR. GILLIS: 1958, your lordship.

17 Q. Mr. Quinn, would you please look and
18 read on the second page of this exhibit what it says
19 the monthly salary to pilots is?

20 A. On this exhibit the amount of money
21 earned during the year was split up into twelve monthly
22 salaries. The amount of money, there was a twelve
23 monthly salary taken out.

24 Q. I am not asking you for an explanation.
25 I am just asking what is there? Can you read it?

26 A. Monthly salaries paid to pilots ---

27 MR. McKELVEY: You should let him
28 answer the question.

29 THE WITNESS: Monthly salaries to
30 pilots, \$62,583.26, which is not the salary for the



1 pilots for that year ---

2 Q. Well, that is all I asked you, Mr. Quinn.
3 That is what it says, doesn't it? The monthly salaries
4 to pilots in 1958 was \$62,583.26, does it not?

5 A. That is the statement there.

6 Q. Since we are on this, please, would
7 you look at Exhibit 46? Isn't that for the year 1961?

8 A. February 14th, 1962, year ending
9 December 31, 1961.

10 Q. Would you please read on that the total
11 monthly salary for pilots during that year?

12 A. What page are the salaries on?

13 Q. Give it here, and maybe I can point
14 it out to you. What did the pilots' salaries amount to
15 in that year? Can you read it?

16 A. It doesn't give the monthly salary.

17 Q. No, I am saying what did the pilots'
18 salaries amount to during that year?

19 A. The pilots' salaries, \$115,550.

20 Q. That was after the oil refinery was
21 constructed, wasn't it?

22 A. It was for the year of 1961, yes.

23 Q. When did the oil refinery go into
24 operation?

25 A. March of 1960, wasn't it?

26 Q. Do you know?

27 A. March of 1960, I believe.

28 Q. So the previous figures you gave me
29 were before the refinery was in operation, wasn't it?

30 A. Which figures?



1 Q. The 1958?

2 A. Yes.

3 Q. And these that you have just quoted
4 of \$115,550, is the year after the refinery went into
5 operation, isn't that right?

6 A. It is two years after the refinery,
7 which is 1961, and the refinery started operations in
8 March 1958.

9 Q. Ending December 31st, isn't that the
10 year after?

11 A. It is after the refinery had operated
12 for ten months. I am quoting the following year after
13 that.

14 Q. Well, wouldn't you agree with this,
15 that it shows a substantial increase in the revenue of
16 the pilots for that year?

17 A. There is no comparison, because we
18 didn't have the pilots' salaries for the year before.
19 We had a monthly salary, so there is no comparison there.

20 Q. Wouldn't you agree that the revenue
21 to the pilots has substantially increased as a result of
22 the refinery being opened in Courtenay Bay?

23 A. They have increased, yes.

24 Q. I said substantially?

25 A. To what degree in substantiation?

26 Q. Well, I am suggesting this, and if
27 you dispute it, I suggest that you take and calculate
28 and tell me where I am wrong.

29 I suggest for the two years, 1958 and
30 1959, there has been an increase in the average of those



1 two years to the years 1961 and 1962 to these pilots
2 of some 66 per cent in salary and pension, as shown on
3 these exhibits?

4 A. There has been an increase to the pilots
5 of 66 per cent in their salary and pension?

6 Q. An increase in the years 1961 and 1962,
7 after the refinery was constructed, over 1958 and 1959,
8 the two immediate years previous?

9 A. I wouldn't have those figures. I
10 would have to have access to my office figures. I
11 wouldn't be able to compute that right now.

12 THE CHAIRMAN: I think all the diffi-
13 culty we have now here is that the witness is not a
14 competent witness for that. If you wish to bring this
15 point up I think we should have the Superintendent who
16 draughted those figures, and could explain. I know
17 what you are trying to show.

18 Q. Well, at least let's leave it this way,
19 Mr. Quinn. The pilots have benefited substantially as
20 a result of the refinery being established?

21 A. I quite agree with that, yes.

22 Q. But apparently you are not satisfied
23 with that. You still want more. Isn't that right?

24 A. No, it isn't ---

25 Q. Well, you are asking for an increase
26 on the supertankers, aren't you?

27 MR. McKELVEY: My lord, may I ask that
28 you ask my learned friend to allow the witness to answer
29 the question.



1 answer.

2 THE CHAIRMAN: I think Mr. McKelvey
3 is quite right here.

4 (The last question is read by the Reporter.)

5 THE WITNESS: Yes, we are asking for
6 an increase on supertankers.

7 Q. Mr. Quinn, did I understand you to say
8 yesterday that you consider it the pilots' duty to recom-
9 mend what towboats will be used?

10 A. I consider it is the pilot's duty to
11 recommend to the captain of a ship what he thinks is
12 best for the safety of the ship. That would include
13 towboats, and any other.

14 Q. My question was, do you consider it is
15 a pilot's duty to recommend the use of tugboats? Can
16 you answer yes or no?

17 A. To use a towboat, or the use of tow-
18 boats?

19 Q. Do you consider it is a pilot's duty
20 to recommend what towboats should be used?

21 A. I would consider it is.

22 Q. You said this yesterday, and I have
23 written it down because I wanted to ask you a question
24 about it.

25 In testifying yesterday you were
26 referring to a master of a ship entering the harbour,
27 and you indicated that the only expert advice he could
28 get that he could trust would be from the pilot. What
29 do you mean by that?

30 A. Well, my meaning of that is that the



1 pilot is the first one to meet the ship, and naturally
2 the captain will ask the pilot for advice in many things.
3 We are the first one to contact him, so it is the first
4 man that he is in contact with.

5 Q. I could understand that. "That he
6 can trust". What do you mean, "That he can trust"?
7 That he couldn't trust other people, or what?

8 A. No, I don't. That is not the meaning
9 at all. The meaning is that the pilots have a name to
10 stand by. Their reputation goes back over a period of
11 years, and captains from all over the world, and shipping
12 companies, get to know the reputation of every pilotage
13 district. They know the reputation of the Saint John
14 pilot district, and that is why they put trust in them.

15 Q. Well, would you mean that a master
16 should trust a pilot over say ships' agents?

17 A. No, I don't.

18 Q. Well, would you please explain what you
19 mean that this is the only expert advice he gets that he
20 can trust?

21 A. Well, I meant that the pilot contacts
22 him first, and the advice that the pilot gives he
23 definitely trusts him for that advice. It is the same
24 all over the world. I didn't mean to say that other
25 people are not trustworthy.

26 Q. I would assume that you have been a
27 pilot for a great many years, have you?

28 A. For a few years.

29 Q. What do you mean, a few years?

30 A. February 1945.



1 Q. Then I suppose you would get to know
2 the masters of the harbour tugs very well?

3 A. Fairly well, fairly well.

4 Q. Well, didn't I understand you at times
5 that you would go on these tugs out to meet ships if
6 the pilot boat wasn't available?

7 A. That is quite right.

8 Q. So you would know them much better than
9 you would the masters of the Irving tugs, would you not?

10 A. I know Captain Chisholm pretty well,
11 I mean as far as knowing a man.

12 Q. I am talking of a period of time.
13 Wouldn't you know the harbour tug masters much better?

14 A. Yes.

15 Q. You would be pretty friendly with them,
16 I presume?

17 A. Just as friendly as with the Irving
18 tugboat masters.

19 Q. But they would be longer acquaintances
20 of yours?

21 A. Yes.

22 Q. I suppose you would agree with me that
23 it is only natural for anyone to see, or wish his friends
24 to get any advantage he could. Isn't that natural?

25 A. I would think so, the usual.

26 Q. Am I correct it is your practice that
27 it is the pilot who orders tugs?

28 A. There is a little phraseology that is
29 not quite right. We order tugs on the request of the
30 agent. We are assisting the agent. Many times the



1 agent will call up and say: "Okay, pilot, you order the
2 tugs," so actually we have to have an okay to order
3 tugs. I can't order tugs on my own. I must have some-
4 body who is going to pay for these tugs.

5 Q. Do you ever order tugs even though you
6 aren't requested by an agent?

7 A. I don't order tugs on my own, because
8 I can't pay for them. I must have some higher authority
9 to give me permission to order the tugs.

10 Q. That is not quite responsive. I am
11 asking you do you ever order tugs without being requested
12 to do so by the agent?

13 A. I might in an emergency. Ordinarily
14 you talk to your agents. You tell the agent: "I want
15 two tugs," or three tugs, or whatever you want, and then
16 it is up to him, and he says: "Pilot, order the tugs for
17 me."

18 Q. Do you remember giving this evidence
19 before? In February you were asked by Mr. McKelvey,
20 at page 176:

21 ". . . would you call anybody else to make
22 arrangements for that ship; for example,
23 tugboats?"

24 You said:

25 "We co-ordinate the towboats. We advise them.
26 We advise the linemen. The agents generally
27 -- there are a few exceptions, but generally
28 we do it anyway whether the agent requests it
29 or not."

30 Do you remember saying that?



1 A. Requests it or not?

2 Q. "... we do it anyway whether the
3 agent requests it or not."

4 A. We do coordinate and order -- the
5 agent requests it or not? We advise the tugs as to
6 the jobs going on, the sequence of jobs. That is to
7 coordinate our work we do that. We don't order tugs
8 unless requested.

9 Q. Which tugboats then, whether it is
10 requested, which tugboat do you advise what is going on?

11 A. We have -- advice -- if I am using
12 Irving tugs I advise them by land phone or FM, and I
13 do the same with the harbour tugs. Whichever tugs we
14 are using, we advise them,

15 Q. If an agent has ordered any particular
16 tug for a ship that you are piloting, would you use that
17 tug?

18 A. If the agent orders it, we have to use
19 it.

20 Q. Wouldn't you, as a pilot, have any right
21 to wave it away and call in a tug from some other tugboat
22 company?

23 A. As a pilot, I wouldn't, no.

24 Q. Would you do it?

25 A. As a pilot I wouldn't. I would have
26 to have permission from the owner.

27 Q. What about your other pilots? Would
28 they do it?

29 A. I can't see them waving them away
30 without permission from the captain. The pilot doesn't



1 pay the boats.

2 Q. You said something yesterday which I
3 think is important. In your direct examination you were
4 referring to a man who was forced to use an Irving
5 tug. Do you remember saying that?

6 A. I said that a man was forced to use an
7 Irving tug?

8 Q. Yes, you said "I can name the man."
9 Do you remember saying that?

10 A. What was the connection?

11 Q. As to the use of tugs, and you talked
12 about one man who was forced to use Irving tugs on ships,
13 and you further continued. You said, "I can name the
14 man." Do you remember saying that yesterday?

15 A. Well, out of that sentence, I can't
16 take a sentence like that. If you have that read back
17 to me.

18 Q. Well, you were referring to a cargo of
19 lumber, I think.

20 A. Oh, yes, I can recall that, yes.

21 Q. Well, tell us about it?

22 A. We had a pilot. I happened to be in
23 the office and Pilot Alexander had gone out to get a
24 small ship which was loading lumber. This lumber was
25 bought -- as far as I know -- that is only an assumption--

26 Q. You tell us what you do know, will you?

27 A. Well, I am going to. All I can tell
28 you is what was told me on the phone, and I said, Mr.
29 Crawford was the man, he is McKay Lumber, and he called
30 up and he said, "Fred," he said, "is Mr. Alexander there?"



1 I said, "No, he is not. He has left for the ship," and
2 he said, "What are we going to do about these tugs? I
3 am under pressure to use Irving tugs." And I said, "I
4 don't want to get mixed up in the towboat business at
5 all. Whatever you do is up to yourself. We can't get
6 hold of Pilot Alexander." He said: "We are under
7 pressure to order an Irving tug," and as far as I know he
8 did, and at the same time there was a harbour tug
9 standing by that ship. I don't know if that ship
10 took the Irving tug or not, but Mr. Crawford ordered it.

11 Q. Who ordered the harbour tug?

12 A. As far as I know it possibly was the
13 pilot.

14 Q. Do I take it then pilots do order tugs
15 on their own without any request from a ship's agent?

16 A. I don't know whether he had been talk-
17 ing to this Mr. Crawford or not, the agent. That is
18 out of my ken.

19 Q. Well, is it a fact that pilots do some-
20 times order tugs without being authorized by ships'
21 agents?

22 A. Not actually order them. I can't see
23 that. If an emergency comes up we will do that.

24 Q. Was this an emergency?

25 A. I don't know the circumstances of the
26 harbour tug going on this ship I am speaking of. I am
27 speaking of Mr. Crawford stating that they were under
28 pressure to use Irving tugs on the harbour, and I said,
29 "Mr. Irving said at the trial that 'we are not interested
30 in using Irving tugs in the harbour.'"



1 Q. Well, speaking of tugs, did you in
2 1961 have occasion to discuss what tugs would be used in
3 docking these supertankers with other pilots?

4 A. I believe we had occasion. I think
5 there was men from the California Shipping down, and
6 we were discussing handling these ships, because they
7 were something new, a new game to us.

8 Q. No, I am saying after the refinery was
9 built did you discuss with other pilots what tugs would
10 be used in docking these supertankers?

11 A. I probably did. I know I have done
12 that on several occasions, what tugs I would use in
13 docking, not what they would use, what I would use.

14 Q. Did you discuss with the Superintendent
15 of Pilots?

16 A. Not in a direct manner. He might
17 have been there listening to us talking. I don't think
18 I discussed it directly with him.

19 Q. Did you ever give him your views as
20 to the suitability of the Irving tugs?

21 A. Informally. If he comes into our
22 office I will say, "That was a bum job this morning.
23 They had me all over."

24 Q. In other words you were criticizing
25 the tugs; is that right?

26 A. I would say on a specific job, yes.

27 Q. Wouldn't you agree with me, Mr. Quinn,
28 that quite frequently a pilot may make the work of a
29 tugboat master look bad?

30 A. I can't see how he would make it look



1 bad, because the pilot at all times is very conscious of
2 the ship, and he would be playing with a ship to make
3 a towboat's job look bad. I don't agree with that at
4 all.

5 Q. Please listen to my question. I am
6 saying don't you agree that a pilot could make the work
7 of a tugboat master look bad?

8 A. In what regard? Do you mean by criti-
9 cizing him?

10 Q. Let's say you give signals by mouth
11 whistle, and they are not loud enough that he can hear
12 them, you will criticize him for not doing what you order?

13 A. Quite right.

14 Q. And if he can't hear the pilot's
15 whistle, I don't think you could blame the tugboat
16 captain for that?

17 A. What is the use of keeping him there
18 then? He is there to aid me and the ship, under my
19 direction.

20 MR. GILLIS: I am asking you the
21 questions, not answering them.

22 THE WITNESS: Well, I am trying to give
23 you a sensible answer.

24 Q. Don't you think it would be possible
25 for a pilot to make the work of a tugboat captain look
26 bad? Now, can you answer it yes or no?

27 A. I can't grasp what you are trying to
28 get at. If a pilot can make the work of a towboat
29 master look bad?

30 Q. Yes?



1 A. I don't see how anybody could make an
2 expert's work look bad. How could you foil a man who
3 knows his job?

4 Q. Well, that is assuming he knows the
5 signals given by the pilots. Wouldn't that be one
6 example?

7 A. He knows the signals.

8 Q. And if he hears the signals?

9 A. Yes, and doesn't obey it do you mean?

10 Q. No. Let's assume that a pilot gives
11 signals that a master can't hear. It is not possible
12 for the master to hear?

13 A. Then he should indicate that he can't
14 hear those orders.

15 THE CHAIRMAN: I think there is a
16 question of acknowledgement also.

17 THE WITNESS: The towboat acknowledges
18 my signals each time.

19 THE CHAIRMAN: So if he doesn't under-
20 stand the signal he won't acknowledge it?

21 THE WITNESS: No, and I repeat that
22 signal until he does acknowledge it, or I pass it by
23 word of mouth to him.

24 Q. Well, you were familiar with this
25 letter written by Captain McKinnon written in December,
26 1961, were you not, to the California Shipping Company?

27 A. Yes, I am familiar with it.

28 Q. You have read that, have you?

29 A. Yes, I have read it.

30 Q. Would it be fair to say the only



1 criticism in that letter respecting the ocean tugs
2 was with regard to their manoeuvrability?

3 A. In that letter I would say that is
4 the only criticism as far as I can see.

5 Q. And that was based, according to
6 Captain McKinnon, on the view of the pilots, wasn't it?

7 A. I would assume it was, yes.

8 Q. Well, isn't it reasonable to assume
9 then, any person having read the letter would feel that
10 the complaint with respect to the Irving tugs was with
11 respect to their manoeuvrability?

12 A. Yes, at that particular time, I would
13 say yes.

14 Q. Why do you say at that particular time?

15 A. Well, you are asking me about a speci-
16 fic date, a letter dated a specific date, so I am refer-
17 ring back to the letter and the date.

18 Q. And then wouldn't you agree that if
19 steps were taken to correct this complaint as to
20 manoeuvrability one would conclude that the tugs would
21 be suitable for the docking of supertankers? Isn't
22 that fair to say?

23 A. Not necessarily.

24 Q. Why do you say not necessarily?

25 A. Well, at that time when the letter was
26 written these men were just starting this work on ships.
27 They hadn't very much experience, and we were going
28 along with them to try to assist them, and the only
29 thing was the equipment they had wasn't acting the way
30 -- they couldn't handle these tugs the way they should



1 have been handled, and we blamed it on the tugs. We
2 were going along with these men. Everybody has got
3 to learn, and we didn't want to hurt them at that time.
4 In fact we don't want to hurt them now, but at all times
5 we have to look after the safety of the ship. That is
6 why that letter was written in that respect.

7 Q. What men were there in December, 1961
8 that you are referring to?

9 A. I believe there were, as far as --

10 Q. Well, now, you know you said those
11 men. What men were there?

12 A. There was Captain -- in 1961, a man
13 from up the bay, Wasson, he is no longer with them. He
14 was there. There was -- 61 -- your present Captain
15 Chisholm was acting as a towboat captain as I recall.
16 I haven't got the names. I did know them then. That
17 is two anyway.

18 Q. Well, that is only a general obser-
19 vation you are making now. You are saying now the men
20 were what? Not experienced?

21 A. They were starting to work on ships.
22 Prior to that they didn't have experience. Captain
23 Wasson had been a barge man. Captain Chisholm had
24 no experience of towing on ships. Captain King had
25 -- I don't recall when Captain King came along. He
26 had very little actual harbour work on ships experience.
27 He is a towboat man, so I mean he is doing his best.

28 Q. Mr. Quinn, do I understand you to say
29 that these men aren't experienced? Is that your com-
30 plaint with them?



1 A. The only experience they have had is in
2 the last few years, and most of that has been, all of it
3 has been on tankers alongside. They have had very
4 little experience on lines, and at the present time they
5 can't handle a ship on lines in Courtenay Bay, or else-
6 where.

7 Q. Do you say your only complaint about
8 these men is that they are not experienced? Is that
9 right or not?

10 A. Experienced twoboat men.

11 Q. Yes, that is what you said?

12 A. That is what I am saying.

13 Q. Well, wouldn't you agree that these
14 men have considerable more experience now, in 1963, than
15 they did in December, 1961?

16 A. Well, I should imagine they would have
17 some more experience at it, but that doesn't mean they
18 are any better.

19 Q. Do you say these men in 1963 are
20 more experienced than they were in December, 1961?
21 Can you answer that yes or no?

22 A. I would say yes, they are not experien-
23 ced.

24 Q. That is all I asked. But in 1961
25 you made no complaints of these men as being inexperienced,
26 did you?

27 A. As I stated in that letter, no.

28 Q. That is all I asked. Your brother
29 is also a pilot, Mr. Quinn?

30 A. Yes.



1 Q. You heard him saying yesterday, did
2 you not, that he considered Captain King perhaps the best
3 of the Irving tugboat captains?

4 A. I heard him say that.

5 Q. Captain Chisholm is also a tugboat
6 captain, is he not?

7 A. Yes, he is.

8 Q. You heard Pilot Merriam say he con-
9 sidered Captain Chisholm was competent yesterday, did
10 you not?

11 A. He said he was competent?

12 Q. Yes?

13 A. He could have said that. I can't
14 just recall his exact words.

15 Q. Now, this statement of yours that
16 these captains are inexperienced. That is just based
17 on your own opinion, isn't it?

18 A. It is based on my own experience working
19 with them.

20 Q. Well, that is as a result of an opinion
21 of yours, isn't it? Other people might have a different
22 opinion?

23 A. Quite right.

24 Q. That is all I asked you. Now, isn't
25 it a fact you would talk over with other pilots what tugs
26 would be used in bringing ships into the harbour at
27 Courtenay Bay?

28 A. At times. Not always. At times.

29 Q. Well, wouldn't you agree it is a prac-
30 tice, or a policy of the pilots, not to recommend Irving



1 tugs if harbour tugs are available?

2 A. I would say so, yes.

3 Q. It is an understanding amongst the
4 pilots, is it?

5 A. I would think it is their own idea.
6 Every pilot has their own idea. It is up to them.

7 Q. Now, Mr. Quinn, I am nearly through.
8 Did I understand your evidence to be yesterday that the
9 freshet made it impossible to get tankers into Courtenay
10 Bay because of the current coming down the Saint John
11 River and through the Reversing Falls? Is that correct?

12 A. I stated that it was impossible,
13 totally impossible.

14 Q. Well, say virtually impossible, or
15 very extremely difficult?

16 A. I would say very extremely difficult,
17 very dangerous.

18 Q. And that results from this current
19 coming down the Saint John River, through the Reversing
20 Falls, and flowing out into the harbour? Is that right?

21 A. That is right.

22 Q. You are quite sure, I mean you are
23 satisfied in your own mind that this is the cause of it?

24 A. That is one of the causes.

25 Q. The principal cause?

26 A. It is the principal cause, yes.

27 Q. I am not trying to catch you on any-
28 thing now, Mr. Quinn. Then would I take it that if this
29 current coming down the Saint John River was controlled,
30 you would remove this difficulty in navigation? Do you



1 understand my question?

2 A. If it was controlled or done away with,
3 which do you mean?

4 Q. Take your pick?

5 A. If it was done away with, shut right
6 off, and we just had to contend with the rise and fall
7 of the tides it would eliminate that problem.

8 Q. And it would be a very safe harbour?

9 A. It would be much safer I would say.

10 Q. Do I take it you would suggest that if
11 a dam was erected across the Reversing Falls this problem
12 to navigation would be done away with?

13 A. This freshet problem?

14 Q. Yes?

15 A. I would think so.

16 Q. And you said you speak for the pilots,
17 or at least that is what I suggest you said yesterday?

18 A. No, I didn't.

19 MR. McKELVEY: Is my learned friend
20 suggesting that the pilots suggest a dam be put across
21 the Reversing Falls?

22 (The last question is read by the Reporter.)

23 Q. You said that yesterday, didn't you?

24 A. I didn't say I speak for the pilots.
25 I might have said on one particular question that I was
26 speaking for the pilots.

27 Q. Well, do you recommend for safety of
28 navigation in the harbour a dam should be erected in the
29 Saint John River at the Reversing Falls?

30 A. No, I couldn't be able to recommend



1 that. I don't know if that water was dammed up where
2 would it flow, what would it do? I wouldn't have the
3 first idea of it.

4 Q. Well, you were the one who brought
5 up the suggestion. When I said control, you said done
6 away with. So I suggest a dam would do away with the
7 current.

8 A. Yes. You would have that backed-up
9 water going out some other place.

10 Q. Well, will you not agree in your
11 suggestion that if that was controlled by a dam ---

12 A. I don't suggest that it be controlled.
13 You are the one saying that. I didn't suggest anything.
14 You are asking me if these things were done what the
15 effect would be.

16 Q. You said if this were controlled from
17 the Saint John River you would do away with this problem
18 of navigation?

19 A. I am only asking the effect. I am
20 not suggesting anything.

21 Q. Well, then, do you say that nothing
22 should be done with respect to this current coming down
23 the river and preventing you from docking tankers?

24 A. The only suggestion I might have is
25 that the Government might send icebreakers up during
26 the wintertime, and that would ease a lot of the water
27 down there.

28 Q. So, do I take it that you recommend the
29 ice be broken on the Saint John River by icebreakers?

30 A. To the extent it will help relieving



1 the freshets. They tried it last year with one of the
2 Government ships. I don't know the result of that yet.

3 Q. Do you agree if a dam were constructed
4 at the Reversing Falls it would prevent this current from
5 the Saint John River going out into the harbour, and you
6 would not have this problem of navigation?

7 MR. McKELVEY: My friend should indi-
8 cate where the water is going to go.

9 MR. GILLIS: My lord, as I suggested
10 before, if Mr. McKelvey wants to take the witness stand
11 -- I know he has given considerable evidence here in
12 the last few days -- I would be glad to ask him the
13 question.

14 (The last question is read by the Reporter.)

15 Q. Do you agree with that, Mr. Quinn?

16 A. I would agree that if the flow of
17 water in the Saint John River valley is coming now
18 through the Reversing Falls, if that were shut off
19 there would not be a freshet in the harbour.

20 MR. GILLIS: That is all I asked you.

21 ---Short recess.

22
23 CROSS-EXAMINATION BY MR. JACQUES:

24 Q. Mr. Quinn, do you recall when the
25 large Irving tugs were first used here in Saint John?

26 A. Do you mean the "Irving Birch"?

27 Q. I don't know the names of the large
28 ones. There are three large ones, the "Birch", "Oak"
29 and the "Beech"?

30 A. It seems to be in my mind that the



1 first time, it seemed to me it was going through the Falls,
2 I think it was going up through the Falls. I don't
3 recall.

4 Q. Well, in order to refresh your memory,
5 according to the Irving interest, the "Irving Birch" was
6 available in 1958, the "Oak" in 1961, and the "Beech"
7 in 1962, February 16th, 1962. Would you recall the
8 name of the pilot who first had occasion to use the
9 "Beech"?

10 A. No, I couldn't, I couldn't recall that.

11 Q. Would you recall the name of the pilot
12 who first had occasion to use the "Oak"?

13 A. No, I am sorry, I couldn't.

14 Q. Could you recall the name of the pilot
15 who first had occasion to use the "Birch"?

16 A. No, I am sorry, I couldn't.

17 Q. Could you recall the first time any
18 of these were used?

19 A. No, I can't recall the first time they
20 were used.

21 Q. Do you recall if at any time since
22 1958 for the "Birch", 1961 for the "Oak", and 1962 for
23 the "Beech", do you recall if a pilot commented in the
24 pilot office on the manoeuvrability of these tugs for
25 the first time?

26 A. No, I couldn't recall just -- no, I
27 couldn't recall that.

28 Q. Surely there must have been discussions
29 among the pilots?

30 A. Oh, there was discussions from the



1 first time they come into the harbour, but I can't recall
2 whether they had done any work or what. There was un-
3 doubtedly discussions on them, but I don't just recall it.

4 Q. Would you recall any of these discus-
5 sions?

6 A. When they first come? I remember when
7 they first came. We were watching them approaching, or
8 coming away from No. 5 dock, and they were taking an
9 awful large swing. They were very poor handling to
10 make the swing, and I recall occasions like that.

11 Q. Did you have occasion to see them
12 operate before using them as a pilot?

13 A. I seen them, yes, when they first came
14 to the harbour I seen them.

15 Q. Do you recall when you first had occa-
16 sion to use them as a pilot?

17 A. No, I couldn't recall my first time with
18 them, no.

19 Q. Do you recall if at any time when you
20 used any of the three tugs, do you recall if you had
21 received adverse comments on these tugs?

22 A. If I had from the pilot source, or from--

23 Q. From any source?

24 A. Adverse comments? Oh, yes, I have had
25 adverse comments, and I have given adverse comments from
26 the time they arrived.

27 Q. Now, you gave adverse comments. On
28 what did you base your opinion then, when you first gave
29 adverse comments?

30 A. By observing when I first saw them



1 operating, when I first saw them manoeuvring them in
2 the harbour. They were sluggish. We were sitting in
3 the office, and the first thing you would see was a tugboat
4 coming off the dock and give a sweep twice the normal of
5 the tugboats we had been watching.

6 Q. So your first opinion was based on
7 observations of the tugs?

8 A. Yes.

9 Q. Not as a pilot?

10 A. No, observations were the first criti-
11 cism, when we first started saying, "Gee, those things
12 don't seem to manoeuvre. They don't seem to handle."
13 That was observation.

14 Q. Yes, but you didn't use the tugs as a
15 pilot then. You were just sitting in the pilot office?

16 A. Yes.

17 Q. And watching?

18 A. Yes.

19 Q. How long did that go on before you had
20 occasion to use them?

21 A. I don't recall from the time they first
22 come until the time I first used them, or when the pilots.
23 I don't recall who first used them personally.

24 Q. In December 1961, when the famous
25 letter was written by Captain MacKinnon to Captain
26 Bigler, Exhibit No. 422, had you had occasion to use
27 either the "Birch" or the "Oak" at that time?

28 A. Well, I would just assume that I did.
29 I mean, that I had my turn. I don't recall the specific
30 date. I might be able to check my books and look over



1 the jobs and take a guess, but I don't recall the date.

2 Q. Before this letter, Exhibit 422, was
3 written, do you recall if a meeting was convened to
4 discuss the contents of that letter, or to discuss the
5 answer which should be sent to Captain Bigler?

6 A. I don't recall a specific meeting being
7 held. It could have been. We held a lot of meetings,
8 but I don't recall a specific meeting to draft that
9 letter, if that is what you mean.

10 Q. When did you first learn of the exis-
11 tence of this letter?

12 A. I couldn't even answer that. I don't
13 know. It is dated ---

14 Q. It is dated December 28th, 1961.

15 A. I couldn't say when I first learned
16 of it actually.

17 Q. Had you read the letter previous to
18 this hearing, or the last time we were here, in June?

19 A. I could have, but I don't recall
20 honestly whether I had read it or not. It could have
21 been shown to me by the Superintendent at that time.
22 I was on the Committee. It could have been shown to
23 me. I don't recall it though.

24 THE CHAIRMAN: Are there any further
25 questions to the witness?

26 RE-DIRECT EXAMINATION BY MR. McKELVEY:

27
28 Q. Mr. Quinn, you referred to an increase
29 in dues of a dollar per foot. Since what period?
30 What period are you comparing?



1 A. I was comparing from 1920, when they
2 come under the government. There was a set-up of
3 \$3 a foot.

4 Q. So your pilotage dues in this harbour
5 in 1920 were \$3 per foot on draught?

6 A. On draught.

7 Q. What are they now?

8 A. Four dollars a foot on draught.

9 Q. When were they made \$4 per foot,
10 approximately?

11 A. It is in evidence. No, my memory
12 won't serve me now. There were two raises, and it is
13 in evidence there. I am sorry, I can't get the date.

14 Q. Recently? Can you say within the
15 last ten years?

16 A. Oh, yes, it was within the last ten
17 years.

18 Q. You were also asked some questions
19 about the tankers going into Halifax, the same tankers
20 that you have compared?

21 A. Yes.

22 Q. Can you compare the difficulties of
23 navigating a supertanker into Halifax harbour with
24 doing the same job in Courtenay Bay?

25 A. With my limited experience in Halifax
26 I would still say that there is no comparison in going
27 into Halifax and Saint John and Courtenay Bay.

28 Q. Which is easier, and why?

29 A. Well, Halifax is far easier. It is
30 practically a straight course into Halifax, good water,



1 and your deep water berths. You have got lots of space in
2 the harbour for manoeuvring. There is no comparison
3 to my mind.

4 Q. Is the, as far as you know, the current
5 in Halifax harbour comparable to that in Courtenay Bay?

6 A. No comparison at all.

7 Q. It is in evidence that the refinery
8 opened, or the first crude oil ships for the refinery
9 came in, in March, 1960, and I am showing you Exhibit
10 No. 47, which is the report for the year ending 31st
11 March, 1960. That would be the last full year before
12 the opening of the refinery, would it not?

13 A. That would be, yes.

14 Q. Can you, looking on the first page of
15 this, tell the Commission please the total amount of
16 pilotage dues taken in that year?

17 A. Total pilotage dues earned amounted to
18 \$109,782.50.

19 Q. Now I am showing you Exhibit No. 46,
20 which is for the year ending December 31st, 1961. That
21 is December, so there must have been a change in the
22 fiscal year somewhere. Do you recall that?

23 A. Yes. For the purposes of bookkeeping
24 in the office there was a change. We used to end our
25 year with the government year, at the end of March, and
26 at this time they changed it over, and made our fiscal
27 year end the end of December of the year.

28 Q. I see. So this exhibit that you have,
29 No. 46, would be the first full twelve-months' period
30 covered by these exhibits after the refinery came into



1 operation, would it not?

2 A. I think so, sir, yes.

3 Q. Can you, reading from that, just read
4 off the total pilotage dues earned during that year?

5 A. The total pilotage dues earned amounted
6 to \$133,507.

7 Q. Now, you were asked about the experience
8 of the masters of the Irving tugboats. I suppose every-
9 body has to obtain experience. Would you look at
10 Exhibit No. 427? Does that indicate anything regarding
11 the experience that the tugboat captains had obtained?

12 A. Well, looking at this it indicates that
13 these captains are shifted. I mean, looking at this in
14 the light of experience, these captains are shifted
15 from one towboat to another. In other words, they are
16 not aboard one towboat to really get to know her long
17 enough. For a towboat master to know his towboat he
18 must be aboard for a good many -- you know, a sufficient
19 time. If you shift a man from one tug to another he
20 is not going to be as expert on every tug. There is
21 always a man will be able to handle one tug better
22 than another man, but these people are shifted around
23 from one tug to another, so I don't know if that is what
24 you are asking.

25 MR. McKELVEY: Your lordship, there
26 is one witness who will be very brief. I would like
27 to call Captain Haynes.
28
29
30



HERMAN MALCOLM HAYNES, sworn

DIRECT EXAMINATION BY MR. McKELVEY:

Q. Would you give your full name?

A. Herman Malcolm Haynes.

Q. And your address, please?

A. 67 Bryden Street.

Q. And what is your age?

A. Forty-seven.

Q. And your occupation?

A. Tugboat captain.

Q. What ship are you master of?

A. The tug "Ocean Hawk".

Q. How long have you been master of the
"Ocean Hawk"?

A. Oh, I suppose fifteen years.

Q. What were you before you were master
of the "Ocean Hawk"?

A. Oh, I was deckhand.

Q. Deckhand on what?

A. Oh, on any of the boats.

Q. What do you mean, the boats? What
boats?

A. Well, the "Ocean Hawk", or "Ocean
Hawk No. 1", different ones.

Q. Different tugboats?

A. Yes.

Q. Where were these tugboats on which
you have been captain and deckhand; where were they
operating?



1 A. In Saint John Harbour.

2 Q. What company operates the tugboat that
3 you are now captain of?

4 A. The Saint John Tugboat Company.

5 Q. And has that same company been operating
6 that tugboat for the fifteen years that you have been
7 captain?

8 A. Yes.

9 Q. There was some evidence given here
10 yesterday of the signals that the pilots give to the
11 tugboats to tell them what manoeuvres to make.

12 My question is, do you know what those
13 signals are?

14 A. Yes.

15 Q. I am not going to ask you to give them,
16 captain. Do you have any difficulty understanding
17 those signals?

18 A. No.

19
20 CROSS-EXAMINATION BY MR. GILLIS:

21 Q. Captain, just to follow that question
22 up, some of the signals, I understand it, by the pilots
23 are given by a mouth whistle?

24 A. Right.

25 Q. Does it ever happen, you as a tugboat
26 captain, don't hear the signals given?

27 A. I have not heard sometimes, no.

28 Q. Wouldn't you agree it would be much
29 more desirable to have signals given, say, by a radio,
30 than a ---



1 A. Well, sometimes we do. Now we have
2 the radio there, but you have to run around so much to
3 the radio you see.

4 Q. Would you also agree, or suppose it
5 to be true, that if you, the tugboat captain, didn't
6 hear the signals the pilot couldn't expect you to do
7 what he wanted you to do?

8 A. He could not.

9 Q. It would be impossible, wouldn't it?

10 A. It would be impossible.

11 Q. Captain, were you the master on the
12 "Ocean Hawk" when you took the "New Brunswicker" out
13 of drydock, I think it was earlier this spring? Do
14 you recall that occasion?

15 A. Well, I was on once.

16 Q. When you took the "New Brunswicker" out?

17 A. Not out of the drydock, no.

18 Q. But you moved her?

19 A. Moved her, yes.

20 Q. From whom did you receive your instruc-
21 tions to assist in moving the "New Brunswicker" on that
22 day?

23 A. Well, I just don't know.

24 Q. Well, you wouldn't do it without in-
25 structions from somebody?

26 A. No, I had to have word from somebody.

27 Q. Would it have been from the pilot?

28 A. Well, I think I got a phone call at the
29 wharf. I was out on other work, and went back to the
30 wharf, and they said: "They want you to Courtenay Bay,



1 out to the 'Brunswicker'". Where it came from I don't
2 know.

3 Q. When you got out there did you see the
4 pilot on the "Brunswicker"?

5 A. Not close to, no.

6 Q. Did he wave you in to assist?

7 A. Well, the boat hadn't been started yet.
8 I went in, yes, and pushed the boat around.

9 Q. On the pilot's instructions, I presume?

10 A. Yes.

11 Q. Do you know Captain King, the master of
12 one of the Irving tugs?

13 A. I just know him to see. That is all.

14 Q. Captain Chisholm?

15 A. Yes.

16 Q. Would you say they are competent tug-
17 boat masters?

18 A. Well, that is not for me to say. That
19 is not an answer for me.

20 Q. Well, you wouldn't criticize them?

21 A. No, I wouldn't criticize no one.

22 Q. Do you recall in July of this year
23 the steamer "Alabama" coming into the harbour? That
24 would be last month?

25 A. Well, there are so many comes in.

26 Q. That would be last month?

27 A. No, I don't just -- I remember the
28 "Alabama" all right, but I don't know when she came in.
29 She came in different times.

30 Q. But do you recall did your tug assist



1 her last month in docking?

2 A. Well, you see I am not on that tug all
3 the time myself.

4 Q. Oh, I appreciate that, but can you
5 recall, were you on that tug and did it assist the
6 "Alabama" last month, just a month ago?

7 A. Well, I don't know. I know that I
8 was on the "Alabama" going out a short time ago. Now,
9 as to coming in I just forget.

10 Q. Who requested you to assist the
11 "Alabama" going out? Where did you get your instructions?

12 A. The orders came from the office.

13 Q. That would be your tugboat office?

14 A. Yes, as far as I know.

15
16 RE-DIRECT EXAMINATION BY MR. McKELVEY:

17 Q. Captain, when you receive an order from
18 a pilot, do you acknowledge, taking now the signals --
19 well, you are alongside and the pilot is on the bridge.
20 When you receive a signal do you acknowledge it?

21 A. Yes.

22 Q. What do you do to acknowledge it.

23 A. We answer him the same as he gives.

24 Q. On your whistle?

25 A. Yes.

26 THE CHAIRMAN: You mean the ship's
27 whistle, or tug whistle?

28 THE WITNESS: Yes, right.

29 Q. Even if you get a signal by a mouth
30 whistle, you acknowledge it by your tug whistle, do you?



1 A. Yes.

2 Q. What do you do if you don't hear it,
3 you don't acknowledge it, I presume?

4 A. I don't acknowledge it.

5 Q. What happens, have you ever had
6 occasion when you haven't heard the pilot's signal at
7 first?

8 A. Yes.

9 Q. What happens?

10 A. Well, he generally comes out to the
11 wing of the bridge and tells me what he wants.

12 Q. Verbally?

13 A. Yes, and gives it again, either one,
14 and I will probably hear it the next time.

15 Q. Do you ever recall any occasion where
16 you haven't been able to get the message at all?

17 A. Oh, no, no. I get the message.

18 Q. When you are in your tugboat, and you
19 are assisting a ship, where do you watch? What do you
20 look at?

21 A. I watch up at the bridge mostly.

22 Q. What would be your reason for watching
23 the bridge?

24 A. Well, that is where the whistle is
25 blown from, and that is where the pilot is.

26 MR. MCKELVEY: That is all the
27 witnesses we have to call, your lordship.

28 MR. GILBERT: My lord, we would like
29 to call one or two witnesses.
30



1 COLIN MacKAY, sworn

2 THE CHAIRMAN: Would you give your name, age,
3 occupation and address?

4 THE WITNESS: President, MacKay Lumber
5 Company Limited, Saint John, New Brunswick.
6

7 DIRECT EXAMINATION BY MR. GILBERT:

8 Q. Mr. MacKay, you said you were President
9 of the MacKay Lumber Company Limited. Have you been
10 engaged in the lumber business for a good many years
11 in Saint John?

12 A. I have.

13 Q. Approximately how much?

14 A. Well, we will say over fifty years.

15 Q. And your company does a lumber broker-
16 age business as well?

17 A. Lumber merchandising, brokerage,
18 chiefly in the export business.

19 Q. Does it also act as ships' agents from
20 time to time?

21 A. We act as ships' agents for any ships
22 we load under charter.

23 Q. Does your company purchase, and has it
24 purchased over the last few years, lumber from J. D.
25 Irving Limited's sawmill in Lancaster?

26 A. Since that sawmill in Lancaster has
27 been operated we have acted as their selling agents in
28 Great Britain for all the lumber shipped to Great Britain.

29 Q. And is that lumber shipped from the
30 port of Saint John?



1 A. Yes.

2 Q. Have you had occasion to take steps
3 to inquire as to the use of tugboats in towing these
4 ships of which you are agent from time to time?

5 A. We have.

6 Q. Would you tell us what has transpired
7 in the past few years with respect to tugboats?

8 A. After the Irving interests acquired the
9 tugs they requested several times that we use them for
10 docking the ships that come in for our lumber, and also
11 for taking any ships to sea. While I am not sure, I
12 think the first year was in 1960, when Irvings had a
13 vessel named the "Essenberg" under time charter. They
14 wanted us to use their own tugs on this vessel.

15 We have from time to time, I can't
16 give you the exact dates because it would be mostly
17 telephone conversations, requested the pilots to use the
18 Irving tugs and ---

19 Q. Have they complied with that request?

20 A. Never. They have never complied with
21 it, and in my opinion never gave us a satisfactory answer
22 as to why they wouldn't.

23 Q. Did you have occasion to write to
24 Captain J. A. MacKinnon this year, the Supervisor of
25 Pilots, requesting ---

26 A. This year we had two steamers coming in
27 from Irving, in the latter part of July.

28 Q. I am showing you a copy of that letter,
29 dated 29th July, 1963. Did you write that letter?

30 A. I wrote that letter.



1 ---EXHIBIT No. 619: Letter from MacKay Lumber
2 Company Limited to Captain
3 J. A. MacKinnon, dated 29th
4 July, 1963.

5 Q. For our benefit, would you mind reading
6 that letter which you have?

7 A. A letter dated 29th July, 1963, to
8 Captain J. A. MacKinnon, Supervisor or Pilots, Saint
9 John, New Brunswick.

10 "As you probably know, we handle Irving's
11 lumber for export through the Port of Saint
12 John, and this amounts to quite a few tramp
13 cargoes a year, in addition to what goes
14 forward by liners. Also, as you know, the
15 Irving interests have their own tugboats,
16 and they have been after us for the last two
17 or three years, insisting that we use their
18 tugs for docking and taking to sea the ships
19 that we have chartered to carry their lumber,
20 but so far the pilots won't use Irving tugs,
21 and we have been unable to get any clearcut
22 explanation from them as to why they will
23 not use them, except they intimated they did
24 not think the tugs are qualified to do the
25 work. These same tugs are used for docking
26 all the oil tankers that come in for the Irving
27 refinery, and, quite frankly, we find it diffi-
28 cult to understand why the pilots decline to use
29 tugboats owned by the Irving interests to dock
30 steamers that are going to load Irving lumber.

"As you can readily understand, Mr.



1 Irving is rather upset about this, and could you
2 give us an explanation why the pilots decline to
3 use them, so we can put it before Mr. Irving."

4 A copy of that letter was sent to Mr. Irving after I wrote
5 it, sir.

6 Q. Now, Mr. MacKay, did you have a ship
7 coming in here to load, I am going to call it, with
8 Irving lumber?

9 A. Yes.

10 Q. Just two or three days before that
11 letter was written?

12 A. Yes. We had the "Fossium" loading
13 at that time, and the "Alabama" coming in.

14 Q. What date did the "Alabama" come in?

15 A. On the 27th.

16 Q. 27th of July, 1963?

17 A. Yes. It docked at eleven o'clock in
18 the morning.

19 Q. Could you give us the size of that ship?

20 A. 1,501. 315.8 feet long. 46 feet
21 abeam, and 19.9 draught.

22 Q. Do you know what pilot handled that
23 ship coming in?

24 A. Well, I only know it from the records.
25 I wasn't there myself. Pilot W.B. Alexander.

26 Q. On what date did that ship go out?

27 A. She sailed on August the 10th.

28 Q. This year?

29 A. Yes. She should have sailed the
30 evening before, but she was delayed by the intense fog.



1 Q. At what berth was she berthed while
2 she was here?

3 A. No. 3 berth, West Saint John.

4 Q. On August the 10th, do you know what
5 pilot took her out?

6 A. I think I have a record of it. Pilot
7 Abrams.

8 Q. On either of these occasions, berthing
9 the vessel or taking her out, was an Irving tug used?

10 A. No.

11 Q. What tugboat company's tug was used?

12 A. I presume it was Saint John Tugboat
13 Company.

14 Q. Did you get a letter from Captain
15 MacKinnon in reply to the one which you wrote him?

16 A. We did.

17 Q. Of what date?

18 A. August 9th.

19 Q. That was just the day before the vessel
20 sailed?

21 A. Yes.

22
23 ---EXHIBIT NO. 620: Letter dated August 9th,
24 1963, from J. A. MacKinnon,
25 District Supervisor of Pilots,
26 to MacKay Lumber Company Ltd.

27 THE WITNESS: They probably didn't
28 receive that letter until after the vessel was in.

29 Q. It is apparently dated the day before
30 the vessel sailed?

A. Yes.



1 Q. Would you mind reading that letter,
2 please?

3 A. A letter dated at Saint John, New
4 Brunswick, August 9th, 1963, addressed to MacKay Lumber
5 Company Limited, 19 Market Square, Saint John, New
6 Brunswick.

7 "Dear Sirs:

8 "With reference to the use of tugs
9 on vessels for which you act as agents, the
10 following comments are made:

11 "(a) Most of the vessels are of such
12 a size that it is quite often not necessary
13 to use any tugs when handling these ships;

14 "(b) Your comment that the Irving
15 interests have been after you for the last
16 two or three years, insisting that you use
17 their tugs is not understood, as it was
18 stated by them under oath that they were not
19 fighting with the Tugboat Company to get the
20 harbour business from them, that their tugs
21 were bought to carry out contracts which
22 they made when they signed their contract
23 for the supply of crude oil;

24 "(c) The reason harbour tugs are pre-
25 ferred over any others is solely for reasons
26 of safety to the vessels concerned, these
27 harbour tugs are familiar with the work re-
28 quired and are most competent;

29 "(d) Should you insist that when a
30 tug or tugs are required to assist in handling



1 your vessels , Irving tugs be used, this is
2 contrary to the advice of the pilot, the
3 master being so informed and no responsibility
4 for wrong action by the tugs causing damage
5 can be accepted."

6 "The letter is signed, "Yours truly,
7 J. A. MacKinnon, District Superintendent of Pilots."

8 Q. Now, Mr. MacKay, you have lived prac-
9 tically all your life, except for the war years, around
10 Saint John?

11 A. Yes, sir.

12 Q. And would there be any freshet
13 conditions in July and August of 1963 in Saint John
14 harbour?

15 A. No.

16 Q. Would there be anything to endanger
17 the safety of the vessels, so far as currents are con-
18 cerned, at that stage?

19 A. As far as the current is concerned,
20 no. Well, as the previous witness said, and I agree
21 with him, Saint John is not an easy harbour. You have
22 more risk here than in Halifax, but in July this year
23 no more than normal.

24 Q. Actually this was a small vessel, of
25 1,500 tons?

26 A. Yes.

27 Q. And, as I understand you, she was
28 to be loaded with lumber of J. D. Irving Limited from
29 the sawmill in Lancaster?

30 A. Largely, yes. I think she carried



1 about a thousand standards, and we had 250 of other
2 stock on her.

3 Q. But mostly a cargo of Irving lumber?

4 A. It is safe to say 80 per cent.

5 Q. Did your office order an Irving tug
6 for the "Alabama"?

7 A. They did.

8 Q. Did that tug go out to your knowledge?

9 A. I didn't see it, but I understand
10 it stood by when the "Alabama" was coming up the harbour.

11 Q. Was that tug used?

12 A. No.

13 Q. Did that apply both to the ships
14 coming in and going out?

15 A. No, not to going out, just to entering
16 the harbour.

17 Q. And going out did you order a tug?

18 A. No. We had already paid \$91 for a
19 tug coming in that wasn't used, so we didn't order one
20 going out.

21 CROSS-EXAMINATION BY MR. McKELVEY:
22

23 Q. Mr. MacKay, do you recall what hour of
24 the day the "Alabama" docked?

25 A. I think I have a record, sir. Eleven
26 a.m. in ballast.

27 Q. On what date?

28 A. July 27th.

29 Q. 1963?

30 A. Right.



1 Q. Do you know what the state of the tide
2 was at eleven a.m. that day?

3 A. I am sorry, I couldn't answer that
4 without referring to the tide tables.

5 Q. I am showing you the tide and current
6 tables for Saint John for the year 1963. From that
7 can you tell us what the tide was at that time, eleven
8 a.m., on that morning? Remember that the figures
9 given in there are Atlantic Standard.

10 When was low tide that morning, on
11 the morning of July 27th, 1963?

12 A. At 10.27, that would be 11.27 Daylight
13 Time.

14 Q. And the time that you gave for the
15 docking of the vessel, eleven o'clock in the morning,
16 would that be Daylight or Standard?

17 A. That would be Daylight.

18 Q. So then, if that is Daylight, the
19 vessel docked twenty-seven minutes before low tide?

20 A. Yes.

21 Q. Do you know where the vessel docked?

22 A. No. 3 berth, West Saint John.

23 Q. Do you know whether No. 3 berth is
24 a tidal dock? By that I mean a dock that is usually
25 only navigated into and out of near high tide?

26 A. Well, you have got high, low and
27 slack tide. Any time the tide is slack a small
28 vessel can dock there in my opinion.

29 Q. There are a number of docks referred
30 to as tidal docks?



1 A. Every dock in Saint John harbour is
2 a tidal dock. Some are more difficult to navigate
3 than others, but every one is a tidal dock.

4 Q. Do you know whether No. 3 is a dock
5 that is affected to any great extent by the currents
6 at low tide?

7 A. In the dock itself?

8 Q. No, getting into the dock?

9 A. Oh, yes. Every dock in Saint John
10 harbour is affected by tides.

11 Q. And would you agree with me if I
12 suggested that the current is greater at low tide than
13 it is at any other time?

14 A. Obviously.

15 Q. So this vessel was taken in close to
16 the extreme current conditions at that part of the har-
17 bour? Is that right?

18 A. Yes. There should be no difficulty
19 with a vessel of that size.

20 Q. Well, I didn't ask if there was any
21 difficulty. I asked if you would agree with my sug-
22 gestion that the vessel was brought in very close to the
23 most extreme current condition at that place in the
24 harbour?

25 A. I should judge so, yes. May I
26 correct that?

27 Q. Yes?

28 A. No. In my judgment your question is
29 wrong, because you are getting so near low tide then
30 that the tide is starting to slacken for the change.



1 Now, again, the pilot knows more about that condition
2 than I do, and I will accept his word for it if he says
3 I am wrong.

4 Q. Do you maintain that the currents at
5 that part in Saint John harbour start coming in at low
6 tide?

7 A. I didn't maintain it. I said in my
8 judgment the tide had slackened. It is rather different.

9 Q. You said a minute before that the
10 current is at its fastest at low tide?

11 A. I asked you to let me correct it.

12 Q. Now, you don't agree with that?

13 A. No, not at the turn of the tide.

14 There is a period of time at the turn of the tide when
15 the water is slack.

16 Q. At the turn at low tide?

17 A. Yes.

18 Q. You will agree that the pilots know more
19 about that?

20 A. Yes, and I am not going to contradict
21 them.

22 Q. When did you first request the pilots
23 to use Irving tugs?

24 A. As I mentioned before, we have no ab-
25 solute record of that. It is generally done on the
26 telephone. I know we started in 1960, if not before.

27 Q. And you were given reasons why they ---

28 A. No, we were never given any reasons,
29 except that they preferred not to use them.

30 Q. Why did you put in your letter that you



1 could get no reason except that they intimated that the
2 tugs weren't qualified to do the work?

3 A. Your previous question referred to
4 1960. This refers to 1963.

5 Q. But you did get a reason from the pilots
6 why they preferred not to use the other tugs?

7 A. The first clear reason was in the
8 letter just received from Captain MacKinnon.

9 Q. What is the date of that letter?

10 A. August 29th, 1963.

11 Q. If you didn't get a reason until the
12 29th of August, 1963, or the 9th of August, why then
13 did you say in your letter of July 9th that they had
14 intimated that they didn't think the other tugs were
15 qualified to do the work?

16 A. On a telephone conversation you can
17 only use your own judgment what the person on the other
18 end of the wire means.

19 Q. What did you understand the person
20 meant?

21 A. That they preferred to use the other
22 tugs.

23 Q. For what reason?

24 A. I don't know. They never gave us a
25 reason.

26 Q. If they didn't give you a reason, why
27 did you say in the letter of July 9th, 1963, that they
28 intimated that the tugs were not qualified to do the
29 jobs?

30 A. Intimating isn't giving the true reason.



1 Q. I am suggesting to you that some time
2 prior to July 1963, I don't know when, the pilots told
3 you that they thought the Irving tugs were not qualified
4 to do the job. Is that not correct?

5 A. I couldn't say. I didn't carry on
6 the conversation myself with them, but I take it, I
7 presume that they didn't desire to use the Irving tugs
8 because they thought they were not qualified. Whether
9 they definitely said they were not qualified or not, I
10 couldn't answer.

11 Q. I suppose that you accepted this
12 statement in your letter of July 29th that they inti-
13 mated they didn't think the tugs were qualified to do
14 the work?

15 A. Intimating isn't making a definite
16 statement, sir.

17 Q. But what you said in this letter then
18 is correct?

19 A. ~~What~~ I said in my letter?

20 Q. That they intimated to you that they
21 felt the tugs weren't qualified to do the job?

22 A. Please understand, your honour, that
23 these conversations between the pilots and me weren't
24 conducted by me personally, but by staff in the office.

25 THE CHAIRMAN: I understand that.
26 This information was given to you by your subordinates?

27 THE WITNESS: Yes, that is right.

28 Q. Mr. MacKay, what do you consider the
29 duty of a pilot is? You have been engaged in the
30 business here for fifty-odd years?



1 A. To act as a pilot, bring boats in,
2 dock them, and take them to sea again when ordered.

3 Q. You say to act as a pilot. Now, that
4 is what I want you to tell me, what you mean, to act as a
5 pilot?

6 A. A pilot presumably, and at Saint John
7 they do, know the harbour, know the currents, know the
8 docks, and I don't know if it is a definite law or
9 not, but it is a practice that captains aren't allowed
10 to dock their own ships. They must use a pilot.

11 Q. The pilot is there to advise the
12 captain on the navigational conditions existing in this
13 harbour. Is that right?

14 A. As I understand it he is there to
15 navigate the ships.

16 Q. Does he replace the captain, in your
17 opinion?

18 A. As far as straight navigation only
19 goes, yes, the captain is still master of his ship.

20 Q. But therefore you would agree with
21 me that it is the duty of the pilot to advise on local
22 conditions, and in effect navigate the ship into and out
23 of its dock?

24 A. I quite agree.

25 Q. What is involved in that?

26 A. Well, just a minute. The question there
27 is rather ambiguous.

28 Q. Well, is the safety of the vessel
29 involved in it?

30 A. Yes, to see that she is brought in
and docked properly.



1 Q. So the pilots then, I presume you
2 would agree with me, are responsible for the safety of
3 the vessel during the period it is in the port?

4 A. Not during the period it is here.
5 Only when the pilot is on the bridge.

6 Q. While he is on the bridge he is
7 responsible to the master for the safe navigation of
8 that ship?

9 A. I agree.

10 Q. And it is up to the pilot to advise
11 the master as to whatever steps he deems are necessary
12 to keep the ship safe?

13 A. I would say it is up to the pilot to
14 use his own judgment, his best judgment.

15 Q. Supposing the pilot held some judgment
16 with respect to tugboats, would you then say it is up to
17 the pilot to use his best judgment?

18 A. Right.

19 Q. And if the pilot felt that one tugboat
20 was not adequate to do the job, then I assume that you
21 would expect the pilot to follow his best judgment?

22 A. Quite, yes, sir.

23 Q. Would you, as a shipowner or a ship
24 agent, override the pilot's opinion and tell the pilot
25 he was wrong in anything pertaining to his job, per-
26 taining to the safety of the ship?

27 A. No, I wouldn't, unless I realized
28 that the man was incompetent.

29 Q. But there is no suggestion that the
30 Saint John pilots are incompetent?



1 A. There is no suggestion, no.

2
3 RE-EXAMINATION BY MR. GILBERT:

4 Q. Mr. McKelvey has suggested to you that
5 the conditions under which the "Alabama" was brought in
6 were at low tide, or becoming low tide?

7 A. Yes.

8 Q. Do your other ships come in at all
9 stages of the tide?

10 A. It is simply up to the captain and
11 the pilot usually. They know the tides in the harbour
12 and they date their time of arrival to correspond with
13 docking.

14 Q. But your ships don't always arrive in
15 low tide, do they?

16 A. No.

17 Q. It might be high tide, and it might
18 be slack tide?

19 A. I imagine this "Alabama", the one in
20 question, arrived at that time because there was heavy
21 fog. We had word of her approach before.

22 Q. You said some of the conversations
23 weren't with yourself. Is Mr. Crawford in your employ
24 at the office?

25 A. He is.

26 Q. Does he do most of this work?

27 A. He does all this work.

28 Q. So that these conversations would largely
29 be with him?

30 A. All of them, unless he happened to be



1 out of the office.

2
3 CROSS-EXAMINATION BY MR. JACQUES:

4 Q. Would you say the pilots are experts
5 in their own field?

6 A. Well, now, you are asking a very em-
7 barrassing question. If they weren't, they should be
8 fired because these boats are worth millions of dollars.

9 Q. Then we can take it that they are
10 experts?

11 A. I would say so.

12 Q. Or they should be experts?

13 A. They should be.

14 Q. In your long business career have you
15 had occasion to deal with experts other than pilots,
16 experts in any other field, engineers?

17 A. Me personally, no, I haven't. I have
18 been dealing with pilots and captains and engineers of
19 ships, and things like that all my life, but I am just
20 a pure merchant. I would not be in a position to
21 criticize them.

22 Q. Have you had any dealings with lawyers?

23 A. Well, I always avoid them if I can.

24 Q. Being from the legal profession, I
25 don't approve.

26 Isn't it true that the opinion of one
27 expert may be different from the opinion of another
28 expert on the same subject?

29 A. It is very infrequently that they are
30 the same.



1 Q. Do you think that when a group of
2 experts in any one field has the final say as to whether
3 anything should be done or not be done, do you feel
4 that there should be a right of appeal from the decision
5 of these experts, a way to test this decision?

6 A. I do.

7
8 RE-CROSS EXAMINATION BY MR. McKELVEY:

9 Q. If there was a right of appeal from
10 the decision of a group of experts, wouldn't it follow,
11 Mr. MacKay, that the people to whom the appeal is made
12 must be just as much expert as the people from whom the
13 appeal is taken?

14 A. You are getting down to a question of
15 the judgment of the ability of certain people. You
16 have the Supreme Court of Canada, you could appeal to
17 there, and no harm.

18 Q. What I am driving at is, if you have
19 an appeal from some experts who come to a decision ---

20 A. The last gentlemen asked me about
21 experts. Now, quite frankly, experts are generally
22 highly educated men. It is very hard to get two
23 experts to agree definitely on one thing.

24 Q. Yes, but in reply to Mr. Jacques'
25 question you said that it would be desirable, one of
26 the means of overcoming that would be to have an appeal.
27 Doesn't it follow that the appeal group must also
28 theoretically be as expert, or more expert, than the
29 people from whom the appeal is taken?

30 A. Quite.



1 THE CHAIRMAN: Or be provided with
2 expert help.

3 THE WITNESS: Yes, sir.

4
5 LAURIER DOIRON, sworn

6
7 DIRECT EXAMINATION BY MR. GILBERT:

8 Q. What is your full name?

9 A. Laurier Doiron.

10 Q. And your address?

11 A. 346 Riverhill Drive, Lancaster.

12 Q. And your age?

13 A. Twenty-nine.

14 Q. How long have you been employed by
15 J. D. Irving Limited, or associated companies?

16 A. Nine years.

17 Q. Would you tell us what your experience
18 has been during that time? What type of work you have
19 been doing?

20 A. First I worked at the sawmill as a
21 clerk for about six months.

22 Q. The sawmill in Lancaster?

23 A. In near Black Brook.

24 Q. In the Restigouche country, or the
25 Madawaska country?

26 A. Yes, Victoria, around that place.
27 And then I was transferred to a drive boat on the drive,
28 pulpwood.

29 Q. That is on the Saint John River?

30 A. Yes, and after the drive was over I



1 went to the Black Brook office, and I was purchasing
2 agent there for the Irvings, and looked after the
3 equipment for six years.

4 Q. And since then?

5 A. And then, in 1960, in the fall I was
6 transferred to Saint John here, to look after the tugs
7 on the river.

8 Q. That is the tugboats of what company?

9 A. Atlantic Towing.

10 Q. Do you also handle some tugboats for
11 Madawaska Van Buren Corporation?

12 A. That is correct. Once the harbour
13 tugs started, I looked after them, and also was in
14 charge of the tugs towing pulpwood for Van Buren
15 Madawaska Corporation.

16 Q. When you say the harbour tugs, which
17 ones do you mean?

18 A. The "Irving Teak," the "Irving Oak",
19 and the "Irving Beech".

20 Q. Have you had anything to do with the
21 "Irving Birch"?

22 A. Yes. I looked after the "Irving
23 Birch" too.

24 Q. When you say you looked after them,
25 does that mean that you engaged their crews?

26 A. That is correct, I hire the crew members.

27 Q. And the captains?

28 A. The captains, too.

29 Q. Do you keep a record of the qualifica-
30 tions of the captains? Have you made up one for yourself?



1 A. Yes.

2 Q. I am showing you a sheet, which is a
3 list of the qualifications and certificates of the
4 captains of Atlantic Towing?

5 A. That is correct.

6 ---EXHIBIT NO. 621: List of qualifications and
7 certificates of captains of
8 Atlantic Towing.

9 Q. From what did you make up this list of
10 qualifications?

11 A. Each captain, I have seen their certi-
12 ficates personally, and those that have been connected
13 with the Irvings for years, we have records in the office.

14 Q. I notice that the first one is Captain
15 Chisholm?

16 A. That is right.

17 Q. You examined his certificates, did you?

18 A. Yes, I did.

19 Q. And you have a record of his employment
20 from time to time?

21 A. Yes, right.

22 Q. And then Captain Wasson I see is the
23 next. You examined his certificate and his record?

24 A. Yes. Captain Wasson, when we first
25 hired him I looked at his papers, and he was first em-
26 ployed on the "Irving Oak", but his previous experience,
27 of course I had to take his papers for that, and whatever
28 he told me.

29 Q. How about Captain King?

30 A. Captain King, when I was transferred to



1 Saint John harbour in August 1960, he was already with
2 J. D. Irving as master of the "Irving Birch", and I met
3 him in the office, and he showed me all his papers.

4 Q. And you made up a record of his quali-
5 fications?

6 A. Yes.

7 Q. And Captain Hamilton, did you do the
8 same with him?

9 A. Right. Captain Hamilton was here when
10 I arrived, too, in Saint John, and looking over the
11 records I found out that he had been employed with the
12 Irvings since 1951.

13 Q. And you examined his certificate too?

14 A. That is correct.

15 Q. The last one on the list is Captain
16 Herring. Is he with the Atlantic Towing now?

17 A. Captain Herring has been with us, and
18 he left the company just a few days ago.

19 Q. Now, this list then is prepared by you
20 showing all the certificates and qualifications of these
21 captains of the four tugs, is it?

22 A. Yes. Well, we have here Captain
23 Chisholm, "Beech"; Captain Wasson, "Oak"; Captain King,
24 "Teak"; and Captain Hamilton has been employed on the
25 "Irving Beech", and is now on the "Irving Pine".

26 Q. They sometimes shift around, do they,
27 from one tug to another?

28 A. Yes, we have shifted some.

29 Q. Are you also General Manager of the
30 Atlantic Towing Limited, which owns these tugs, and



1 employes these captains?

2 A. Yes, I am.

3 Q. Now, Mr. Doiron, would you tell us do
4 you have under your jurisdiction also the "Irving Pine",
5 and other tugs on the river?

6 A. Yes.

7 Q. Towing on the River Saint John?

8 A. That is correct. We have the "Irving
9 Pine" and "Irving Spruce", also six more small tugs.

10 Q. Mostly towing lumber and pulpwood?

11 A. Pulpwood on the Saint John River.

12 Q. Would you tell us if you recall the
13 occasion of the steamer, the freighter "Alabama", on
14 the 27th of July, of which Mr. MacKay spoke? Do you
15 recall that occasion?

16 A. Yes. On July 27th I was called at
17 home by a Mr. Crawford..

18 Q. That is of MacKay Lumber Company?

19 A. Of MacKay Lumber, that is right. He
20 told me that this ship, the "Alabama", was going to
21 dock and he was ordering one tug for it.

22 Q. Did he say what tug?

23 A. No, he did not mention it, so I called
24 Captain King and told him about this. I asked him if
25 he thought the "Irving Teak" could dock the "Alabama".
26 He said the "Alabama" was only a small ship, and he
27 was sure it could do the job.

28 Q. And what did you do?

29 A. I told the captain that the ship would
30 be on her way soon, and to go out right away and stand by



1 in the harbour for her.

2 Q. And what happened?

3 A. Then myself, about that time I think
4 she was coming in, I was at Pugsley Wharf there, and I
5 noticed she was coming into port through ---

6 Q. You went down to Pugsley Wharf your-
7 self?

8 A. Yes, I could see across the harbour, and
9 I noticed that the "Teak" was following the "Alabama",
10 but they had a Saint John tugboat to assist them.

11 Q. Could you tell which tugboat it was
12 at that distance?

13 A. No, I couldn't.

14 Q. Do you know what happened on the un-
15 docking of the "Alabama" on August 10th?

16 A. No. Nobody called me for tugs, and
17 I don't know what took place.

18 Q. That "Alabama" was loading with
19 lumber?

20 A. Lumber, that is correct.

21 Q. Do you know where most of that lumber
22 was produced?

23 A. That is going to South Bay Sawmill,
24 J. D. Irving Limited.

25 Q. Have you at different times called
26 MacKay Lumber Company Limited with respect to the use of
27 tugs handling ships carrying the lumber of J. D. Irving
28 Limited?

29 A. Yes. I mostly deal with Mr. Crawford
30 at MacKay Lumber. I called him several times if he



1 would use our tugs when the ships were docking and un-
2 docking.

3 Q. Have any of your tugs been used before?

4 A. No, this was the first time.

5 Q. Just what part do you take in the
6 handling of the larger tankers coming into Courtenay Bay
7 through Kent Lines Limited, which is the agent for the
8 charterer? What part do you take in that?

9 A. Yes, sir. Kent Line, Mr. Walsh from
10 Kent Line calls me for most of the big ships coming in
11 which they are agents for.

12 Q. And do you supply tugs for them?

13 A. That is correct.

14 Q. What has been the practice in your ex-
15 perience in supplying tugs for those so-called super-
16 tankers?

17 A. Well, for the ships coming in they
18 have been using two of the Saint John Tugboat and two
19 of ours, and whenever this same ship is going out, if
20 it is good weather they generally use two of Saint John
21 and one of ours.

22 Q. Two of Saint John Tugboat Company and
23 one of yours?

24 A. That is correct.

25 Q. Has that been changed at all?

26 A. Well, I notice lately, I think it is
27 a couple of months now, on some of the ships coming in
28 Mr. Walsh has been ordering three of our tugs to assist
29 the ship docking, and also three to assist the ship
30 undocking, along, from what I observed, with two Saint



1 John tugboats to come in, so there are five altogether.

2 Q. How about going out?

3 A. The same thing going out. On some of
4 the tankers, not all.

5 Q. Would that apply, however, to tankers
6 which were, for which Kent Lines was not agent?

7 A. No, the other agents they usually use
8 two of our tugs to come in and one tug to go out.

9 Q. Do they still do that?

10 A. They still do it, unless it has hap-
11 pened on different occasions when it was quiet and we
12 have been asked to go with two.

13 Q. Have you ever received any schedule,
14 or memorandum, showing the signals, the whistle signals,
15 and so on, at your office?

16 A. No.

17 Q. I mean, have you received it from the
18 pilots' office?

19 A. No, I never did.

20 THE CHAIRMAN: Or from the Superin-
21 tendent?

22 Q. Or from the Superintendent?

23 A. No, I never did.

24 Q. Mr. Doiron, in employing a new captain
25 in the harbour, do you place him with some other ex-
26 perience captain? What is your practice?

27 A. When we first started here we had
28 Captain Arthur Cobham, and he was our first captain on
29 the "Irving Teak".

30 Q. Is he a senior captain?



1 A. Yes, he is according to the records.
2 He has been handling ships all his life. So most of
3 the, all the captains here that started in Saint John,
4 we placed Mr. Cobham with them until they feel that they
5 are able to do the job.

6 Q. In other words, for instruction and
7 guidance, is that what you mean?

8 A. That is correct.

9 Q. Would that apply to Captain Wasson,
10 Captain King, Captain Hamilton, and Captain Herring,
11 when they were employed?

12 A. Captain Wasson, Captain Cobham was
13 not with him more than a few days, because he claimed
14 he knew the signals and he had experience with ships,
15 so I had Captain Cobham observing him from the other
16 tugs to see how he was making out. But Captain King
17 has been Mate with Captain Cobham when he first started.

18 Q. Have you ever sent Captain Chisholm
19 with the other junior captains?

20 A. Yes, Captain Chisholm also was used
21 for that purpose.

22 Q. In other words then you used the
23 senior and more experienced captains like Captain
24 Chisholm and Captain Cobham when the younger captains
25 have been employed?

26 A. Right.

27 Q. For a period of how long, approximately?

28 A. Well, for instance, this Captain
29 Herring here, he started with us in May, and we had
30 Captain Cobham with him for pretty nearly two months.



1 CROSS-EXAMINATION BY MR. McKELVEY:

2 Q. Mr. Doiron, when did you first start
3 looking after the tugboats for Atlantic Towing or
4 J. D. Irving in the harbour?

5 A. The first tug I looked after in the
6 harbour was the "Irving Teak".

7 Q. When was that?

8 A. The "Irving Teak" went into the harbour
9 December 29th, 1960.

10 Q. So that was your first experience
11 with any tugboats in Saint John Harbour?

12 A. That is correct.

13 Q. You at that time weren't an experienced
14 tugboat man?

15 A. No, I was not.

16 Q. Your job was mainly of an office nature,
17 is that right, an administrative job? Is that what it
18 would be, your job now?

19 A. That is correct. I hire personnel
20 and dispatch the tugs.

21 Q. Who is in overall charge of the tugboat
22 work? Are you the man responsible for it, or is there
23 somebody else to whom you report?

24 A. Well, I report, I have a boss. I
25 report to Mr. J. K. Irving.

26 Q. But is it your responsibility to run
27 the tugs in the harbour?

28 A. To run the tugs, that is correct.

29 Q. Mr. J. K. Irving, I presume, does a
30 lot more than looking after tugs?



1 A. That is right.

2 Q. Have you been aware of this, the fact
3 that the pilots have preferred to use the other tugs
4 in the last few years? Would you know about this?

5 A. Yes.

6 Q. What did you do about it?

7 A. Well, I have reported this to my
8 superiors, and of course I have talked to them once in
9 a while myself.

10 Q. Talked to whom?

11 A. The pilots.

12 Q. What was the nature of the conversation?

13 A. If they would use our tugs.

14 Q. As a matter of fact they are now using
15 more of your tugs than they did at the beginning, is
16 that right?

17 A. They are. They are on the tankers.

18 Q. Yes?

19 A. But to my knowledge, myself I don't
20 think it is coming from the pilots. I get my orders
21 from Kent Lines, and on some of the tankers I send more
22 tugs than I used to do.

23 Q. You don't get your orders for the tugs
24 from the pilots? You get them from Kent Lines?

25 A. That is correct.

26 Q. But there are more of the Irving
27 tugs being used to move tankers now than were in 1961,
28 isn't that right?

29 A. Yes, there are, because we had only
30 two in 1961, and in 1962 we had three.



1 Q. Well, in 1961 and 1962, or early in
2 this period during which tankers were coming in here,
3 is it not true that to bring the ship in they wanted
4 three harbour tugs, or what we call harbour tugs, the
5 Saint John Tugboat Company tugs, and one of yours?

6 A. In 1961?

7 Q. Yes?

8 A. Yes, in 1961, if I remember well, they
9 preferred three of the Saint John and one of ours.

10 Q. And now they are bringing ships in
11 with two of your tugs and two of the others?

12 A. That is correct.

13 Q. And for the Irving oil tankers, not
14 the crude oil tankers, but the Irving Oil ones,
15 they are using all your tugs, are they not?

16 A. Yes, they are.

17 Q. In 1961 they didn't use all your tugs,
18 did they, for the Irving oil tankers?

19 A. In 1961, until October 9th, we only
20 had the "Irving Teak", so the "Irving Teak" was used
21 along with a Saint John tugboat to dock the Irving
22 oil tankers.

23 Q. What happened when you got more tug-
24 boats in early 1962?

25 A. Regarding the Irving oil tankers,
26 they were using two of our tugboats to dock them.

27 Q. But they were also using one of the
28 harbour tugboats, were they not?

29 A. Not on the Irving oil tankers.

30 Q. Now, the exhibit that you filed, there



1 are several names on there. Captain Wasson, is he
2 employed with you now?

3 A. No, he is not any more.

4 Q. Where is he now?

5 A. He is probably home. I don't know.

6 Q. What happened? Why did his employment
7 with J. D. Irving Limited or the Tugboat Company terminate?

8 A. Well, Captain Wasson, it was reported
9 to us after that he misunderstood signals and we inves-
10 tigated into this, and the man is hard of hearing himself,
11 and we thought that could be one of the problems, so
12 we decided to try to better this.

13 Q. What did you do to better it?

14 A. We hired Captain Herring.

15 Q. Well, Captain Wasson, you fired him,
16 did you, or you terminated his employment?

17 A. Well, we explained the situation to him
18 and we let him go.

19 Q. And he had been a master of one of these
20 tugs from 1961 to 1963?

21 A. That is correct. He terminated in
22 the spring of 1963.

23 Q. So it took you two years to find out
24 that he was hard of hearing and couldn't understand the
25 signals that were being given for his tug?

26 A. Well, not exactly. I mean, these
27 things ---

28 Q. Well, Mr. Doiron, you hired him in 1961?

29 A. Right.

30 Q. And you didn't find out that he was hard



1 of hearing and couldn't understand signals until 1963.
2 Isn't it obvious that you took two years to find that
3 out?

4 A. That is correct, but if you will just
5 wait a minute -- when we first hired him we never noticed
6 that he was hard of hearing. It could have been some-
7 thing that started. It was reported to us a few times,
8 and he seemed to be doing a fair job.

9 Q. When did he become hard of hearing?

10 A. That I could not answer.

11 Q. Was he hard of hearing in 1961?

12 A. When we first hired him we never
13 noticed that.

14 Q. You didn't test him to find out whether
15 he could hear signals or not?

16 A. No.

17 Q. Now, Captain King is still with you?

18 A. Yes, he is still with us.

19 Q. And Captain Hamilton is still with you?

20 A. Captain Hamilton is still with us.

21 Q. But Captain Herring, whose name was
22 added to the bottom of the list, is not you say?

23 A. No, he has just left a few days ago.

24 Q. Did I understand you to say that you
25 hired Captain Herring to replace Captain Wasson?

26 A. Yes.

27 Q. When was that?

28 A. He started with us May 7th, 1963.

29 Q. So he was hired to replace Captain
30 Wasson?



1 A. Yes.

2 Q. That was May 1963, and when did he
3 leave?

4 A. This Captain Herring?

5 Q. Yes?

6 A. Roughly a week ago. I don't have the
7 date right now.

8 Q. What was the reason for him leaving?

9 A. He decided to leave of his own accord.

10 Q. Did he give any reason?

11 A. He said he had another job.

12 Q. Now, going down the list on this
13 exhibit, do you have a copy before you?

14 A. Yes, I have.

15 Q. Now, Captain Chisholm, is it not
16 correct that the only Saint John Harbour tugboat referred
17 to in the list opposite his name is the "Irving Birch"?

18 A. Until 1961, yes.

19 Q. So then his experience in Saint John
20 harbour operating tugs began in 1961, is that correct?
21 You have the exhibit before you?

22 A. Yes.

23 Q. Now, Captain Wasson, I notice that he
24 was in a couple of tugs, apparently, in 19 and 20. You
25 don't know where that was, I suppose?

26 A. No.

27 Q. Well, I see the next tugs are 1949 to
28 1955, McNamara tugs. That would not be moving ships
29 around Saint John harbour, would it?

30 A. No, not to my knowoedge.



1 Q. These other three vessels, "Grand
2 Bank", "Fundy Queen", and "Sydney", they are not Saint
3 John harbour tugs, are they?

4 A. No.

5 Q. So therefore Captain Wasson's exper-
6 ience in operating tugboats in Saint John harbour began
7 in 1961, when he became master of the "Irving Oak",
8 is that correct?

9 A. According to this record here he
10 started with us in 1961.

11 Q. You prepared this record?

12 A. Right.

13 Q. You believe it is true, don't you?

14 A. Yes, he was the first captain of the
15 "Oak".

16 Q. So when he became captain of the "Oak"
17 in 1961 he had no previous experience operating tugboats
18 in Saint John harbour. Is that not correct?

19 A. Yes. Well, he didn't tell me ---

20 Q. But you have no reason to believe that
21 your own exhibit is wrong, surely?

22 A. No. As I said, Captain Wasson here,
23 his previous experience I had to get from what he told
24 me.

25 Q. When hiring a pilot, wouldn't you
26 inquire if he had any experience in operating tugboats
27 in Saint John harbour?

28 A. Yes, we always try to get captains
29 that have had experience in Saint John, but they are not
30 available.



1 Q. So I suppose that is one of the ques-
2 tions you would ask them, whether they had any experience
3 in Saint John harbour?

4 A. In Saint John harbour, and if not, if
5 they have docked ships elsewhere.

6 Q. So therefore, if they had experience
7 in Saint John harbour, it would show in the exhibit?

8 A. This exhibit it would, yes.

9 Q. Captain King, I gather through reading
10 down his list of qualifications under the heading
11 Performance that his first experience as a tugboat man
12 in Saint John harbour was in 1959, when he became master
13 of the "Irving Birch". Is that correct?

14 A. That is correct.

15 Q. When did the "Irving Birch" first start
16 operating in the harbour? Was that in 1959?

17 A. Myself, I started here in the fall of
18 1960, and I was told the "Birch" had been tried a few
19 times in the harbour. That is all I know about it. I
20 never investigated how many times she was used.

21 Q. But her major use began in 1960?

22 A. The "Birch" was not used in 1960, not
23 in the fall of 1960.

24 Q. When did she start her service in the
25 harbour?

26 A. That was before my time.

27 Q. But in any event apparently Captain
28 King had had no previous experience as a tugboat man in
29 Saint John harbour until he became master of the "Irving
30 Birch" in 1959?



1 A. That is correct.

2 Q. Is Captain Hamilton still with you?

3 A. Yes, he is.

4 Q. Well, you would agree with me that ser-
5 vice with Saint John River tugs between 1951 and 1961
6 would have nothing to do with the movement of ships in
7 Saint John harbour?

8 A. I will agree that it is quite different,
9 but Captain Hamilton has started to handle tugs very
10 young. He has been on tug boats ---

11 Q. All right. The Commission isn't
12 familiar with what the tugboats in the Saint John River
13 do. Now, your companies bring pulpwood down from the
14 upper river, and boom it a few miles below Fredericton,
15 is that right?

16 A. Yes, it is.

17 Q. And then your tugboats take booms up,
18 that is bag booms up to this storage boom, and fill
19 their bag booms full of pulp and other timbers, and
20 pull it down the river to Saint John. Is that right?

21 A. Yes.

22 Q. And then they turn around and go back
23 again?

24 A. Yes.

25 Q. So their only experience is the
26 problems of pulling or towing booms down the Saint
27 John river and back up again empty; is that right?

28 A. Yes, on the Saint John river.

29 Q. They don't dock any ships?

30 A. Not on the river.



1 Q. They don't dock them anywhere, do they?

2 A. Well, we dock some at Indian Town.

3 We have several there.

4 Q. These river tugs aren't used to dock
5 vessels in the harbour, are they?

6 A. No, although we have used the "Irving
7 Pine" and "Spruce".

8 Q. Very occasionally, though.

9 So then I am right in suggesting that
10 Captain Hamilton's experience as a tugboat captain in
11 Saint John harbour began when he became master of the
12 "Irving Teak" in 1962?

13 A. You are to a certain extent, but not
14 all.

15 Q. All right, where did he get his ex-
16 perience?

17 A. Well, in 1960, in the fall, well,
18 when we started the "Irving Teak", that was December
19 1960, we were all through on the river then, and
20 Captain Hamilton had worked with Captain Cobham on the
21 "Teak" as mate, also, until that spring of 1961. Then
22 he was transferred back to the Saint John River.

23 Q. So there was a short period when he
24 was in the harbour?

25 A. Yes, that is correct.

26 Q. Captain Herring is no longer with you.
27 What experience did he have before he took over the
28 "Irving Oak" in 1963 in Saint John harbour?

29 A. He had none in Saint John harbour.

30 Q. Now, do you register your masters with



1 the Registrar of Shipping here each time you have a change
2 of masters in your tugboats?

3 A. If we register them?

4 Q. Yes?

5 A. We try to.

6 Q. You are aware of the fact that the
7 Registrar of Shipping maintains a list of the masters of
8 vessels, and every time the master changes that you are
9 supposed to notify the Registrar of Shipping? Are you
10 aware of that?

11 A. Yes.

12 Q. Do you do it all the time, or could
13 there be occasions when a change of master is not re-
14 ported due to some oversight?

15 A. It could happen that I would forget.
16 I try to call them as soon as I ---

17 Q. Am I correct in assuming then that a
18 change of masters, that the Registrar's Office would be
19 incomplete, there would be more masters than are shown
20 on that? Is that possible? Is that correct or not?

21 A. There would be more masters?

22 Q. More changes of masters than are shown
23 in the Registrar's records?

24 A. If it is showing on the record they
25 must be on the ship. They must have been transferred
26 to that ship, otherwise I wouldn't call them or see them.

27 Q. Are there any occasions where there is
28 a change of master where you don't notify the Registrar,
29 when you forget about it for some reason or other?

30 A. It could happen. It should not, but



1 it could.

2 Q. Are you yourself familiar with the
3 signals that the pilots use to signal tugboats?

4 A. No, I am not.

5 Q. Well, how do your tugboat captains
6 find out what these signals are?

7 A. Well, Captain King and Captain Hamilton,
8 they were trained by Captain Cobham, who is an old hand
9 here in Saint John.

10 Q. Have you ever talked to your tugboat
11 captains to find out whether they are familiar with
12 the signals, or not?

13 A. Yes, I have.

14 Q. Are they familiar with them?

15 A. They are.

16 Q. Have they ever suggested to you that
17 they can't understand them?

18 A. It has been told me that sometimes it
19 could happen that they don't hear the signals.

20 Q. Oh, of course, that is obvious, but do
21 they seem to understand them? Do they know what they
22 are, what to do when they hear them?

23 A. Yes, they do.

24 Q. Do they seem to know what to do if
25 they don't hear a signal, or what to expect when they
26 don't hear a signal?

27 A. Well, I would think if a captain is
28 on a tug for a certain length of time he is watching
29 the ship at all times, and if he is not hearing a signal
30 it would be just fair that he would try to avoid



1 accidents with the ship, or something, try to handle it
2 to help.

3 Q. Well, isn't it true that an experienced
4 tugboat captain would pretty well know what to do before
5 he hears the signal? He would know what to expect?

6 A. Yes, it is.

7 MR. GILBERT: My lord, I would just
8 like to draw attention to what Captain Chisholm, who
9 was called himself, said about his further experience,
10 with which probably Mr. Doiron is not familiar, and that
11 is that he was on one of the tugboats of the Saint John
12 Tugboat Company. It is at page 3840. I asked him:
13 ". . . have you served on any of them?" and he answered:
14 "I served four months on the tug "Ocean Hawk II.

15 "Q. That is in the harbour? A. Yes, sir, I
16 "was relief master."

17 THE CHAIRMAN: Are there any further
18 questions of the witness?

19 Very well, we will adjourn now until
20 two-fifteen for lunch.

21 ---At 12.40 p.m. the hearing was adjourned until 2.15 p.m.

22 ---Upon resuming at 2.15 p.m.

23 MR. GILBERT: My lord, I would like to
24 call Mr. Walter Walsh.

25 WALTER WALSH, sworn

26 THE CHAIRMAN: What is your full name,
27 please?

28 THE WITNESS: Walter Walsh.



1 THE CHAIRMAN: And your age, address
2 and occupation?

3 THE WITNESS: 48 Elliott Row. Fifty-
4 four. Office Manager of Kent Lines Limited.

5 DIRECT EXAMINATION BY MR. GILBERT:
6

7 Q. Mr. Walsh, I believe you gave us
8 evidence here before at the previous hearing, in June?

9 A. Yes, Mr. Gilbert.

10 Q. As the Office Manager of Kent Lines
11 Limited, have you become familiar with certain corres-
12 pondence between the Saint John Tugboat Company and
13 Kent Lines Limited? I am showing you particularly a
14 letter dated March 24th, 1961?

15 A. Yes, I am familiar with this letter.

16 ---EXHIBIT NO. 622: Letter from C. N. Wilson,
17 President, Saint John Tugboat
18 Company, Limited, addressed
19 to Kent Line Limited, dated
March 24th, 1961.

20 Q. Mr. Walsh, were you familiar with the
21 contract that was made and spoken of here at a previous
22 hearing between California Shipping Company and Mr.
23 Casey Irving, respecting tugboats?

24 A. I have heard of it.

25 Q. And I suppose part of your function
26 with Kent Lines as agent of California Shipping here,
27 is to endeavour to carry out part of that as far as the
28 tugboats are concerned?

29 A. Yes, I order the tugboats.

30 Q. And now, did you get a further letter



1 from the Saint John Tugboat Company, well, C. N. Wilson,
2 dated the 27th of March, 1961?

3 A. Yes, I received the original of this.

4
5 ---EXHIBIT NO. 623: Letter dated March 27th, 1961,
6 addressed by Saint John Tugboat
7 Company Limited to Kent Line
8 Limited.

9 Q. Now, Mr. Walsh, would you glance through
10 that letter, particularly the second paragraph? Do
11 you know whether the "Ocean Osprey" was engaged under
12 the terms of that letter, or otherwise, on a standby
13 basis?

14 A. I am aware of the fact that Captain
15 McAlpine dealt with Mr. Hemming. Now, I am aware of
16 the fact that the "Rockswift" was in use after this
17 date.

18 Q. Now, if the "Ocean Rockswift" had been
19 employed at \$450 a day, what would that have amounted to
20 per year? Have you calculated that?

21 A. Three hundred and sixty five days?

22 Q. Say 360 days?

23 A. Roughly about \$130,000.

24 Q. I think it is closer to \$160,000.

25 A. You are correct. I would say \$164,250
26 for the 365 days.

27 Q. Do you know the tariff of fees charged
28 by the Saint John Tugboat Company for docking and un-
29 docking vessels?

30 A. It is \$125 per tug per ship.

Q. That would be per assist?



1 A. Per assist, yes.

2 Q. So if you had a ship going in and coming
3 out once a week for 52 weeks, that would be \$250 a week?

4 A. \$13,000.

5 Q. Around \$13,000?

6 A. Yes.

7 Q. For those assists?

8 A. For assisting, one tug assisting one
9 ship per week, both in and out.

10 Q. If it had happened that Irving Refinery
11 or Kent Lines had had to employ these two tugboats, the
12 "Ocean Osprey", as well as the "Ocean Rockswift", what
13 would the result have been, in dollars?

14 A. If they had employed the two of them,
15 I say \$328,500 a year, at the rate of \$450 per tug for
16 each tug per day.

17 Q. Are you aware of the fact that there was
18 certain litigation arose out of this correspondence?

19 A. I have heard that, Mr. Gilbert, yes,
20 I have definitely heard that.

21 Q. Do you know the amount claimed by the
22 Saint John Tugboat Company?

23 A. I understand that it was eighty or
24 eighty-one thousand dollars involved.

25 Q. Have you seen certain other correspon-
26 dence between Mr. Lowry, Vice-President of California
27 Shipping, and Kent Line, which I am showing you now?

28 A. Yes, I saw this before.

29
30 ---EXHIBIT NO. 624: Two letters, one dated May 11, 1961,
addressed by Mr. Lowry to Kent Line
Limited, and the second dated May 11,
1961, addressed by Mr. Lowry to
Mr. L.E. Hemming, of Irving Refining
Limited.



1 Q. Would you look at the second paragraph
2 of the letter dated May 11th, 1961, from Mr. Lowry to
3 Mr. Hemming, Vice-President of Irving Refining Limited?
4 What was the result, so far as the charges for these
5 tugboats which were on a standby basis, financially?

6 A. Well, as far as Kent Line is concerned,
7 we were billed for the \$125 only for each assist, and we
8 in turn billed California Shipping Company, and it is
9 my understanding that the balance of this \$450, less
10 \$125 for each time a ship was used, and taking into
11 account also ten per cent of that \$125 which they billed
12 us, that was billed to Irving Refineries Limited.

13 Q. In other words, Irving Refining
14 Limited paid the difference between the standby charge
15 and the ordinary fee?

16 A. Yes.

17 Q. Have you had some recent correspondence
18 with California Shipping with respect to the use of
19 tugboats in Saint John harbour?

20 A. Yes, I have had. It was during June.

21 Q. I am showing you a letter dated June
22 13th, 1963. I notice here that it specifically names
23 two Wilson tugs and three Irving tugs. Is that right?

24 A. That is correct.

25 ---EXHIBIT NO. 625: Letter dated June 13, 1963,
26 addressed by Mr. D. D. Robertson
27 to Kent Line Limited.

28 Q. Do you know what prompted this letter?

29 A. Well, it is my understanding that Mr.
30 Irving had a conversation with California Shipping, and



1 also that this is sort of to come up to the original
2 agreement they had with Mr. Irving regarding tugs.

3 Q. To carry out the original contract,
4 is that right?

5 A. Yes, that is my understanding.

6 Q. Since this time has there been a change
7 from the two and two tugboat situation that we had be-
8 fore, to three and one?

9 A. Yes. Since the date of this letter,
10 in fact when this letter was written, it is dated June
11 13th, you will note they say verbal instructions. Well,
12 Mr. Shill called me at my home at mon, and the "A. N.
13 Kemp" was due to dock the following day. He asked me
14 where she was and I told him she was due outside that
15 evening, and would be docking the same day, and he
16 said: "Okay, commencing with the 'Kemp' I want you to
17 follow the instructions quoted here."

18 Q. In other words you would use three
19 Irving tugs?

20 A. Three Irving tugs, and two of the Saint
21 John Towboat Company tugs.

22 Q. And you have been doing that?

23 A. I have been doing that. You will note
24 that this letter mentions their own ships or "George
25 A. Davidson".

26 Q. Does that apply, however, to ships
27 which aren't under charter to California Shipping, and
28 don't come through Kent Lines Limited as agents?

29 A. No.

30 Q. What arrangement still exists with regard



1 to them?

2 A. My understanding is that they are to
3 order whatever tugs the pilots request, trip charter
4 ships.

5 Q. That is still part of your concern?

6 A. Yes.

7 THE CHAIRMAN: Could you tell me, on
8 the previous Exhibit No. 616, which ships are going to
9 be affected by that? You have the supertankers there.

10 Q. Looking at the list of tankers on
11 Exhibit No. 616?

12 A. According to this letter of June 13,
13 it affects the "A. N. Kemp", the "T. L. Henderson",
14 the "Chevron Transporter", the "Robert W. Miller", the
15 "George A. Davidson".

16 Q. The ones you have named are affected,
17 but not the others on this list?

18 THE CHAIRMAN: I understand the others
19 are Kent Line?

20 THE WITNESS: Not by this letter.

21 Q. Kent Lines doesn't represent the others
22 as agent?

23 A. Yes, we have represented the "Michael L".
24 We have acted as charter agents for the "Petro Queen"
25 and "Petro C". The "Silver Spring" we didn't have
26 that. The "Runner", we acted as agents for the
27 "Runner", and the "Hydratia". The "Avenger", no,
28 I am quite sure. "Bulk Oil", yes, but according to
29 this letter of June 13th they would not be affected by
30 that, because this letter of June 13th refers to ---



1 THE CHAIRMAN: Specifically, yes.

2 THE WITNESS: Yes. They state it
3 only applies to our own vessels, and the charter "George
4 A. Davidson".

5 Q. And even though you act as agents for
6 the others in some cases they are not affected by that
7 letter?

8 A. Not this particular letter.

9 Q. Now, I am showing you another one,
10 of June 27th, 1963?

11 A. Yes, most of those would be affected
12 by this letter, this letter of June 27th.

13 ---EXHIBIT NO. 626: Letter dated June 27th, 1963,
14 from California Shipping Co.
15 to Kent Line Limited.

16 Q. Would you direct your attention, please,
17 to the second paragraph of that letter. Now, what
18 were the effects of that letter upon your use of the
19 Irving tugs?

20 A. Well, this affects, it states the
21 time chartered vessels of California, which California
22 Shipping acted as agents for, there is quite a number
23 of them. They name some. For example, there is
24 the "Petrodene", which is in port at the present time,
25 "Petrolene", "Petro C". There is the "Petro Queen".
26 There is the "Oceanic". There is the "Bulk Oil", and
27 there are these ---

28 Q. Yes, so that California Shipping then
29 has authorized you to use the three Irving tugs
30 wherever their own ships or those under time charter



1 to them are employed?

2 A. That is right.

3 Q. Under these two letters?

4 A. Yes, of June 13th and 27th.

5 Q. But so far as other ships carrying
6 crude oil to their refinery, are they dealt with in the
7 old ---

8 A. They are dealt with in the old manner.

9 Q. In the old manner?

10 A. Yes.

11 Q. As requested by the pilots?

12 A. That is correct, sir.

13 CROSS-EXAMINATION BY MR. McKELVEY:

14
15 Q. I believe you said that the Saint John
16 Tugboat Company makes a charge of \$125 per assignment.
17 Is that right? Per assist?

18 A. Each tug docking in Courtenay Bay --
19 say they supply three tugs for a ship docking. They
20 charge \$125 for each tug, \$250 for the two tugs going in.
21 If there are two tugs used going out it is the same
22 thing.

23 Q. So this \$125 per tug is one way?

24 A. Yes.

25 Q. What does J. D. Irving Limited charge
26 for their tugs for assists?

27 A. Their charges are similar.

28 Q. Now, these two exhibits, Nos. 626 and
29 625, instructing you to use five tugs. Are these letters
30 and the telephone calls which preceded them, the original



1 instructions that you had to use five tugs?

2 A. Yes, the original letters are here.

3 Q. Do I understand it then that the pilots
4 didn't suggest the use of five tugs?

5 A. No.

6 Q. To your knowledge have the pilots ever
7 suggested the use of five tugs under normal navigation
8 conditions?

9 A. Not under normal navigation, not under
10 normal conditions, but five tugs have been used the odd
11 occasion.

12 Q. The odd occasion when you have ex-
13 treme conditions, when you need more tugs?

14 A. Yes.

15 Q. But ordinarily and normally the pilots
16 are content to have four tugs?

17 A. That is correct.

18 Q. And that this present practice of using
19 five tugs originates from somebody other than the pilots
20 as far as you are concerned?

21 A. Yes. No, no, the pilots never re-
22 quested me to order three and two, no, no.

23 Q. And the use of the five tugs, the
24 three and two, results in an additional cost of \$250
25 for every tanker that comes in here covered by this
26 arrangement?

27 A. Well, yes, it costs \$250 more when
28 you use five tugs rather than four. That is in and out.

29 Q. You have an extra tug coming in, a
30 fifth tug, which costs \$125. You have another tug



1 going out, which is another \$125, for an extra cost of
2 \$250 per vessel. That is right, isn't it?

3 A. Oh, yes, that is the extra cost.

4 Q. And this was not suggested, or re-
5 quired, by the pilots?

6 A. No, the pilots didn't request that.
7 I was instructed by California.

8 THE CHAIRMAN: You have just said that
9 there is a ship, a supertanker, right here in the har-
10 bour now, the "Petrolene", that came in yesterday?

11 THE WITNESS: Yes.

12 THE CHAIRMAN: Was she using five
13 tugs, or four?

14 THE WITNESS: She used four tugs.

15 THE CHAIRMAN: So that was not
16 according to instructions, then?

17 THE WITNESS: There is only four tugs
18 available. I had requested five, but there was only
19 four available.

20 Q. Regarding this arrangement for the
21 standby tug with the Saint John Tugboat Company, isn't
22 it true that there was also an arrangement that if these
23 tugs were used for something else during the period that
24 they were to stand by that whatever they earned else-
25 where would be deducted from the charge to you?

26 A. That I am not sure of. In that
27 letter of March 27th it states that if the "Rockswift"
28 were used they would give a credit of \$125, less ten
29 per cent. It is in the last paragraph, or the second
30 last paragraph.



1 Q. If at any time more than two tugs were
2 required, and the "Rockswift" used on work other than
3 large tankers (reads) less ten per cent for handling?

4 A. I don't know if they are just referring
5 to when that "Rockswift" was used to dock a crude ship,
6 or if it was used any place in the harbour.

7 Q. Well, it says if used on work other
8 than large tankers?

9 A. Yes.

10 Q. So I take it from that that you were
11 to be credited?

12 A. Well, that would be the refinery.

13 Q. Well, there was a credit to the, let
14 us say, the owners, operators, whatever they are, of
15 the tug?

16 A. Yes.

17
18 JAMES M. H. FRASER, sworn

19
20 DIRECT EXAMINATION BY MR. JACQUES:

21 Q. What is your name, please?

22 A. James M. H. Fraser.

23 Q. And your address?

24 A. 293 Lancaster Avenue, Lancaster.

25 Q. How old are you?

26 A. Sixty-two.

27 Q. And what is your occupation?

28 A. Retired.

29 Q. Retired from what, Mr. Fraser?

30 A. Retired from the Superintendent of the



1 Saint John Drydock.

2 Q. Sir, I believe that you can give the
3 Commission information on, or rather technical information
4 on the Saint John Tugboat tugs; is that correct?

5 A. Yes.

6 Q. Now, sir, I show you Exhibit 417, which
7 is a report addressed to Mr. Irving on his tugs. This
8 report contains several headings, such as name of tug,
9 length overall, length between perpendiculars, draught,
10 displacement, etc. Would you, using the same headings
11 as are shown on Exhibit No. 417, give the data of the
12 Saint John Tugboat Company tugs?

13 A. Well, the information I have got is
14 the length, the breadth, the depth and the horsepower.

15 Q. Well, will you give that, please, for
16 each tug?

17 A. On the "Ocean Osprey", 105.9 feet
18 length; 30.15 breadth; 12.4 depth; 1,000 horsepower.

19 Q. Horsepower. Would that be brake
20 horsepower?

21 A. Indicated horsepower.

22 Q. For the benefit of the Commission,
23 would you explain the difference between brake horse-
24 power and indicated horsepower and nominal horsepower?

25 A. Well, the indicated horsepower is the
26 horsepower that the engine generates. The brake
27 horsepower is the horsepower that is put into the
28 propellor to do the work, and the nominal horsepower
29 is just something that the classification societies,
30 or the steamboat inspection, have a formula, and the



1 result is a comparison. It is not a real figure.

2 Q. Now, in order to find out what a tug
3 can do, would it better to use brake horsepower than
4 indicated horsepower?

5 A. It really would, yes.

6 Q. Would you give the details of the other
7 tugs, please?

8 A. The "Ocean Rockswift", 105 feet long;
9 30 feet breadth; and 12.5 feet depth; and 1,000 horse-
10 power.

11 Q. Is that brake or indicated?

12 A. That is all indicated. "Ocean Hawk II",
13 length 97.1; breadth, 23.6 feet; depth 11.5 feet; 900
14 horsepower.

15 Q. Now, would you be able to supply the
16 Commission with the brake horsepower of these tugs,
17 in order that it can be compared with the information
18 obtained on the Irving tugs?

19 A. No, I couldn't do that.

20 Q. I believe, sir, you were a naval
21 architect, were you not?

22 A. That is right.

23 Q. Would you glance at Exhibit No. 417,
24 which is before you. Will you read it, please?

25 Before I ask you any questions on
26 Exhibit No. 417, I would like to show you Exhibit No.
27 428, which is a certificate from the Assistant Registrar
28 of Shipping here in Saint John, and it gives the horse-
29 power of the "Rockswift" and "Hawk II" as brake horse-
30 power, 1,000 for the "Rockswift" and brake horsepower



1 900 "for "Ocean Hawk II".

2 Would you check that with your figures?
3 It doesn't seem to tally with yours.

4 A. Well, I always understood this was
5 indicated horsepower.

6 Q. Where did you get the information
7 which you supplied to the Commission?

8 A. Well, we have it in the engine
9 drawings for the construction.

10 Q. That is where you got that information,
11 is it?

12 A. Yes.

13 Q. You don't know whether any changes took
14 place since these drawings were installed?

15 A. No, there were no changes.

16 THE CHAIRMAN: The answer was no
17 change, or you don't know?

18 THE WITNESS: There has been no
19 change made to the engines.

20 Q. Sir, you have now read Exhibit No. 417.
21 As regards horsepower, how would the Saint John Tugboat
22 tugs compare with the Irving tugs?

23 A. Well, the tugs are listed here. One
24 is 850 IHP, and one is 1,440 BHP, so in one instance
25 it would be a little over, and in one instance under.
26 The "Irving Teak" here is indicated at 850, and the
27 "Irving Beech" and "Oak", 1,440 BHP.

28 Q. Which would be the stronger of the two
29 sets of tugs?

30 A. I would say the "Irving Beech" and the



1 "Irving Oak" would have more horsepower.

2 Q. Than a Saint John tugboat?

3 A. That is right.

4 Q. On the same page, would you explain to
5 the Commission the letters R/L, and the letters R/H, L/H,
6 and I/H opposite the name of each tug?

7 A. RH is right hand, and L/H I would say
8 is left hand.

9 Q. That would be the propellor?

10 A. That is right.

11 Q. Now, the next entry is gear ratio, and
12 for the "Irving Oak" there is no figure mentioned. To
13 you what would that mean?

14 A. Well, she hasn't got any gear. She
15 is direct driven at 112 to 118 rpm.

16 Q. Direct?

17 A. Yes.

18 Q. Now, the entry for the "Irving Beech"
19 is 3.5-1. What would that mean?

20 A. That means the engines turning at 720,
21 and the propellor is turning at 205.

22 Q. And the propellor is not turning as fast
23 as the engine?

24 A. No.

25 Q. Is that good or bad?

26 A. Oh, it is just going through a gear box.

27 Q. Yes, but is it a good thing that the
28 propellor turns more slowly than the engine?

29 A. I would say so.

30 THE CHAIRMAN: For a tug?



1 THE WITNESS: Yes.

2 Q. Now, would you turn to page 2, sir.
3 Under the heading "Irving Teak" certain information is
4 provided on crash stop, full ahead to dead stop in water.
5 Would you have similar information as regards Saint John
6 Tugboat tugs?

7 A. We never carried out these tests.

8 Q. Would you have any idea of say the
9 tactical diameter of the Saint John tugs?

10 A. No.

11 Q. Would you have any idea of the time
12 taken for a crash stop?

13 A. No.

14 Q. Would you have any idea of similar
15 information as is contained in Exhibit 417, page 2?

16 A. No.

17 CROSS-EXAMINATION BY MR. GILLIS:
18

19 Q. Mr. Fraser, were you at one time the
20 General Manager of the Saint John Drydock?

21 A. I was General Superintendent.

22 Q. And when did you leave the employ of
23 that company?

24 A. 1959.

25 Q. Who was your successor?

26 A. Archie Kerr.

27 Q. Mr. Kerr who is now deceased?

28 A. That is right.

29 Q. And who had made that report?

30 A. That is right.



1 Q. He was a very competent, well qualified
2 man, was he not?

3 A. I would say so.

4 Q. When you left the employment of the
5 Saint John Drydock Company Limited where did you -- what
6 did you do then?

7 A. I went to Scotland for a holiday, for
8 about a year.

9 Q. And following that?

10 A. And Mr. Wilson retains me in a con-
11 sulting capacity.

12 Q. You are still associated with Mr.
13 Wilson?

14 A. That is right.

15 Q. Who owns, or is interested in, the
16 Saint John harbour tugs, is that right?

17 A. That is right.

18 Q. There has been evidence given here,
19 Mr. Fraser, the words supertanker, what is a supertanker,
20 what tonnage would you say?

21 A. I would say over 40,000 tons.

22 Q. Well, isn't it a fact now that they are
23 building larger ones than that?

24 A. A hundred thousand, over a hundred.

25 Q. Well, anything under forty thousand
26 you wouldn't consider properly termed a supertanker,
27 would you?

28 A. Well, I don't know. I wouldn't think
29 so.
30



CROSS-EXAMINATION BY MR. McKELVEY:

Q. Mr. Fraser, you said that 40,000 ton -- a tanker in order to be a supertanker would, in your estimation, have to exceed 40,000 tons deadweight?

A. I would think so.

Q. Would you mind converting that to gross tons, please? What would be the gross tonnage of a tanker that you would have to exceed before you would call it a supertanker?

A. Well, actually there is no question between gross tons and the deadweight capacity.

Q. Can you then tell me, a tanker to be called a supertanker, can you tell me what would be the gross tonnage that a tanker would have to be before you would call it a supertanker?

A. The gross tonnage of a tanker is the cubic capacity of the tanker divided by a 100, with certain deductions off for crew space.

Q. Well, you are speaking of net, aren't you, Mr. Fraser?

A. No, that is gross.

Q. Well, the reason I am asking this question is we have an exhibit here which gives the net and gross registered tonnage of various tankers. It does not give the deadweight tonnage and I wanted to know whether in your opinion any of these vessels would be properly called supertankers, and most of these are in the, many of them are in the 20,000 tons gross tonnage capacity.



1 Is it possible for you to relate what
2 you have said a supertanker is to these tankers?

3 A. I don't know what the relation would be
4 between the gross and the deadweight capacity of the
5 tanker. I really don't know what the relation would be.

6 Q. Well, just for the information of the
7 Commission then, what do you mean by the use of the term
8 deadweight?

9 A. Deadweight is the amount of the cargo,
10 the weight of the cargo that the vessel is capable of
11 carrying.

12 Q. But the word supertanker is not really
13 a technical term, is it, Mr. Fraser?

14 A. I wouldn't think so.

15 Q. And one thing that would be called a
16 supertanker at a port say like Halifax, might be -- or
17 put it this way. A vessel that you might call a super-
18 tanker, as being particularly large to navigate, in
19 Courtenay Bay, would not necessarily be called a super-
20 tanker at a port like Halifax, would it?

21 A. I wouldn't think so.

22 Q. Because when you are dealing with the
23 size of a vessel, you have to have it in relation to the
24 place where it is to be navigated?

25 A. That is right.

26 Q. And would you agree that these large
27 crude oil tankers coming into Courtenay Bay are pretty
28 large vessels for that type of an area?

29 A. They are.

30 Q. Now, we have in evidence, Mr. Fraser, a



1 certificate from the Registrar of Shipping. This is the
2 certificate you have referred to before, which gives some
3 information about the registered captains of three of
4 these tugs.

5 Now, it shows the captain of the
6 "Ocean Rockswift" as J. W. Cunningham. Is he still
7 captain of the "Rockswift"?

8 A. As far as I know, but I really have
9 nothing to do with the personnel of the tug.

10 Q. But you are in and out of the office,
11 aren't you?

12 A. Oh, yes.

13 Q. Do you know of your own experience how
14 long J. W. Cunningham has been master of a tugboat in
15 Saint John harbour, the "Rockswift", or one of the
16 others?

17 A. I came here in 1929, and Wes Cunning-
18 ham was working on the tugs then as captain.

19 Q. Was he a master then, do you recall?

20 A. Yes.

21 Q. So he has been a master at least since
22 1929?

23 A. That is right.

24 Q. What about Captain Haynes? I realize,
25 Mr. Fraser, that you were with the drydock, and not
26 directly associated with the tugs, but can you go back
27 in your recollection and tell us how long Captain Haynes--

28 A. Well, I know he has been on a good
29 number of years, but I couldn't pinpoint. I just know
30 through association that he has been on that ---



1 Q. Do you know who is the captain of the
2 "Osprey"?

3 A. No, I don't.

4 Q. Are there only three tugs now owned by
5 Saint John Tugboat Company that are used?

6 A. As far as I know, yes.

7 Q. And do you know any of the other
8 captains?

9 A. No, I don't.

10 Q. You just know the two, Cunningham and
11 Haynes?

12 A. That is right.

13 MR. McKELVEY: Your lordship, since
14 this morning I have asked the pilots to make a computation
15 from their records of the approximate amount of pilotage
16 dues paid by crude oil tankers during the calendar year
17 1961, which was the first full calendar year after the
18 refinery went into operation. I can call Mr. Quinn
19 to give this information. Perhaps it would be better
20 than doing it myself.

21
22 FREDERICK QUINN, recalled

23 THE CHAIRMAN: You are under the same
24 oath, Mr. Quinn.

25 DIRECT EXAMINATION BY MR. McKELVEY:

26 Q. Mr. Quinn, did you make a computation,
27 or an approximate computation, of the amount of the
28 inward and outward pilotage dues paid by crude oil
29 tankers during the calendar year 1961, which was the
30 first full calendar year after the opening of the refinery?



1 A. I did, yes.

2 Q. How did you do this?

3 A. I got those figures from our record
4 books. As we go in the office we keep a record of the
5 inward and outward jobs done by pilots, and also the
6 draught of the inward and outward, and I got it from
7 those records.

8 Q. And what was that figure?

9 A. The figure was ---

10 Q. Perhaps you would like your notes?

11 A. \$15,016.00 for 1961.

12 Q. And that is crude oil tankers, not
13 including the other tankers?

14 A. No, that is crude oil.

15 Q. And it is inward and outward only?

16 A. Inward and outward only.

17
18 CROSS-EXAMINATION BY MR. GILLIS:

19 Q. Do I understand, Mr. Quinn, that
20 those crude oil tankers in 1961 resulted in pilotage
21 dues of \$15,016?

22 A. That is correct. That is approxi-
23 mately.

24 Q. Which I understand would not have been
25 paid had the refinery not been established there?

26 A. That is right.

27 Q. Now, isn't it a fact that in addition
28 to this, as a result of the refinery being established,
29 there was more traffic by Irving oil tankers carrying
30 products out?



1 A. That is quite right.

2 Q. And of course you haven't taken that
3 into account in these figures?

4 A. No.

5 Q. But that would be substantial wouldn't
6 it?

7 A. Yes.

8 Q. In addition to that you know Irving
9 interests acquired the drydock?

10 A. Yes.

11 Q. And is it not a fact that since they
12 acquired that that the business of the drydock has
13 greatly increased?

14 A. Yes, it has.

15 Q. And as a result there would be very
16 substantial traffic in and out from the drydock than
17 before that had been the case?

18 A. It has been an increase in traffic,
19 but I wouldn't call it substantial.

20 Q. But you haven't any figures on that?

21 A. No.

22 Q. But the increase in that traffic would
23 also result in more pilotage dues collected?

24 A. It would, not to a substantial amount.
25 There is a lot of building going on at the drydock, and
26 if it takes a year to build a ship, we only get one
27 movement, one or two movements.

28 Q. But there have been repairs carried out?

29 A. Yes.

30 Q. You get dues on those repairs?



1 A. We get the inward and outward.

2 Q. But although you haven't got the figures,
3 you do agree that you have collected increased pilotage
4 dues in recent years since the drydock ---

5 A. I do agree.

6 Q. But you don't know the amount?

7 A. No, I don't.

8 THE CHAIRMAN: Are there any further
9 witnesses?

10 MR. McKELVEY: Your lordship, we were
11 asked at one of the hearings to obtain some information,
12 and I was trying to find the page reference, but I am
13 sorry I can't, but somewhere in the evidence of Mr.
14 Ronald Cobham he was asked to obtain some information
15 regarding the "A. N. Kemp", and I now have that infor-
16 mation.

17 This vessel arrived on April 16th,
18 1960, and it docked on April 19, 1960. It had a
19 draught of 33 feet on arrival, and when it docked it
20 had a draught of 28 feet.

21 I believe that is all we were asked
22 to get.

23 MR. GILBERT: My lord, I understand
24 from Mr. Jacques that there is to be a general hearing of
25 the Commission in Ottawa at a later date, after further
26 evidence is heard.

27 THE CHAIRMAN: That is right.

28 MR. GILBERT: And we would very much
29 prefer addressing the Commission, both orally and sub-
30 mitting written submissions, at that time, rather than



1 doing it at this time.

2 THE CHAIRMAN: That is why we are going to
3 have a hearing in Ottawa, which is going to last quite a
4 few days, I understand, because quite a few problems
5 from other places will be brought up then. For
6 instance, the shipping interests will wait.

7 MR. GILBERT: Well, it is more convenient,
8 no doubt, to the Commission to have it in Ottawa.

9 THE CHAIRMAN: It is up to you.

10 MR. GILBERT: We would like to submit further
11 argument with regard to the evidence that has been given.

12 MR. McKELVEY: Your lordship, I am quite
13 prepared to proceed now. I feel that any representa-
14 tions in this matter, if possible should be handled
15 locally, out of concern for the expense involved to the
16 pilots. I am prepared to make the few points that I
17 have right now.

18 THE CHAIRMAN: You may.

19 MR. McKELVEY: We are not carrying on any
20 battle with the Irving organization, and the points are
21 quite simple, and of course we may make representations
22 at the final hearing, on not only this problem, but on
23 the others.

24 THE CHAIRMAN: Any help you could give the
25 Commission would be welcome.

26 MR. McKELVEY: Well, your lordship, first in
27 regard to this freshet problem. I think the Commission
28 now has pretty complete knowledge of that, but there
29 are just a few points that I would like to mention.

30 When the Irving refinery was built in that



1 area, they knew the navigational conditions in it. They
2 were advised by the pilots to go somewhere else, and for
3 reasons which I presume are valid they went to Courtenay
4 Bay, but that brought with it certain navigational diffi-
5 culties which they knew about. And of course, when it
6 was found that the ships started to come here, and the
7 hazards of navigation were such that those responsible
8 for navigating could not bring them in -- now, of
9 course, Mr. Irving says that the pilots are being un-
10 reasonable because they will not run the tremendous
11 risks in bringing a million dollar tanker in under
12 those extreme conditions. They are being blamed for
13 all sorts of things, for failing to take risks, which
14 I feel that shipowners would be the last ones in the
15 world to expect pilots to take unnecessary risks.

16 This is not a situation that arose through
17 any lack of knowledge on the part of those responsible
18 for the refinery. Now, I think what the Commission is
19 interested in doing is finding a solution to this
20 matter.

21 Now, Mr. Hemming has suggested the solution
22 of picking up a table relating to the tides, or the
23 current conditions, in the Saint John River and the
24 tides in the harbour, which I think Mr. Forsythe
25 suggested that something like that could be done, and
26 could remove the area of uncertainty. Now, anything
27 like that alone would be, of course, an advantage, but
28 there are also many other factors, primarily apparently
29 the propelling power of these large tankers, and most
30 of them are turbines, and they don't have the backing



1 power. You have to come up into the channel at full
2 speed in order to be able to turn, and you get them
3 going so fast that you can't stop them. Until somebody
4 invents a brake for a ship you have to rely on the
5 backing power of the engines.

6 Now, these are all factors. Mr. Irving has
7 suggested that he should be allowed to hire special
8 pilots, or particular pilots, for this time of the year.
9 Well, if a certain pilot is willing to do the job and
10 others aren't, you have already heard the pilots say
11 that they would be quite pleased to have the pilot who
12 is willing to do the job do it. Under those conditions
13 if Pilot A will do it and Pilot B will not, there is no
14 reason why Pilot A can't. So that suggested solution
15 is already partly met.

16 Now, my suggestion is that the solution to
17 this problem is more in the way of cooperation and con-
18 sultation. The pilots, I feel the evidence has shown,
19 have cooperated with the Irving organization, and with
20 the California Shipping people, to try and help them get
21 their ships in if at all possible. Now, further
22 cooperation and further consultation, in my submission,
23 is the answer to this problem. For example, the
24 California Shipping could schedule their tankers with
25 draughts to suit the tide, so that they would not have
26 to lighten them, and one can think of many more examples
27 of how more cooperation and consultation could solve
28 this, and the evidence has shown the extent to which the
29 pilots have gone to cooperate and consult, and I submit
30 that the pilots have done their best to try and solve



1 this problem, going as far as they can without endanger-
2 ing the safety of ships.

3 I don't mean to suggest that the shipping
4 organization has not cooperated too, but I do suggest
5 that it could cooperate more. For example, this year
6 if they make an arrangement with the pilots to only
7 handle ships of 27 feet draught, they should not load
8 them to 29 feet, which apparently was done.

9 Now, dealing with the tug problem, Mr. Chairman,
10 I think there the evidence pretty well speaks for itself.

11 It is suggested in the Kent Line brief that
12 the pilots make towage contracts. I think it is clear
13 that they don't. They order tugs when the agents
14 ask them to do so. It is part of their movement
15 control in the harbour, but they certainly don't make
16 towage contracts.

17 Your lordship, the crucial thing in this
18 matter is what is the duty of a pilot? The pilot is
19 responsible for the safety of the ships. It is admitted
20 by all the witnesses that the handling and use of tugs
21 is an integral part of the safety of a ship, in the same
22 way as the handling and use of lines, and the handling
23 and use of engines, radar, etc. Now, what is a pilot
24 to do if he feels that tugboat A is not as capable of
25 doing the job as tugboat B, if he feels that the
26 personnel on tugboat A are not as well qualified, and
27 that he may be faced with a situation of danger that
28 he as the man responsible will have to deal with? Is
29 he to say, to ignore that? Surely not. The pilot is
30 an expert whose job it is to advise the master of the



1 ship, and the agents, what should be done, and I submit
2 that if he feels that one tugboat, or a group of tug-
3 boats, aren't as well qualified as they should be, it is
4 not only his right, but it is his duty to point that
5 out to the shipowner.

6 Now, if the shipowner wishes to take it
7 upon himself to use that tugboat in any event against the
8 advice of the pilots, then that is his decision. But
9 how many shipowners are willing to do that, and on the
10 understanding that the pilot will not be responsible
11 if an accident results from an error of the tug? They
12 are not.

13 Now, it is not the fault of the pilots that
14 the J. D. Irving tugboats don't have crews that can handle
15 them properly. It is not the fault of the pilots that
16 the J. D. Irving Limited tugs are not as manoeuvrable
17 as the others, if that is the case. It is not the
18 fault of the pilots that Irving Refining has had to
19 pay some money for a standby tugboat, if such be the
20 case.

21 Now, again we have a problem, and so far I
22 have not heard any solution suggested. No one has sug-
23 gested, no one has brought up a solution at all, and my
24 submission is that the obvious solution to this is that
25 those responsible for operating the J. D. Irving Limited
26 tugboats put themselves in a position where they have
27 adequate trained personnel, and keep those personnel on
28 the tugboats long enough that they become familiar with
29 the jobs they have to do, and then there will be no
30



1 reason for the pilots, or anybody else, to prefer some
2 other tug.

3 I think it is clear from the evidence that
4 the pilots don't trust these tugs, and although opinions
5 seem to vary, the consensus of their opinion seems to
6 be that it is a matter of personnel. Now, you can
7 examine the Exhibit No. 428, which is the one listing
8 the changes of master of the "Rockswift", the "Hawk",
9 and the "Osprey", where there has been no change of
10 masters at all, and compare that with Exhibit No. 427,
11 where there have been many changes of masters in the
12 same year. I feel that those two exhibits tell the
13 story completely, and that the solution to this problem
14 is first to obtain and maintain adequate people with
15 sufficient experience to do their job properly, and not
16 place the pilot in a position where he has to rely, or
17 he has fear that the tugboat captain will do the wrong
18 thing. We have had many instances where that has
19 happened, and the pilots have explained their position
20 fully. Again I feel that cooperation and consultation
21 is advisable.

22 There has certainly apparently been no
23 attempt on the part of the operators of these tugboats
24 to go to the pilots and say, "Well, now, what is the
25 trouble? What can we do about this? We are com-
26 peting in the tugboat business in this harbour and we
27 would like to know why you aren't using our tugs, and
28 we would like to do something about it." Absolutely
29 there has been no cooperation of that sort. The pilots
30 have been quite frank in saying why they don't want to



1 use these Irving tugs. So there, I submit, you have a
2 solution.

3 Now, there is one factor to this, and I am
4 sure the Commission has heard it many times. You have
5 a shipowner who wants the pilot to take chances that
6 the pilot feels are unwarranted in getting ships in
7 during the freshet season, and bringing these ships in
8 at states of the tide a little bit farther off high
9 tide each time. The shipowner is continually pressing
10 the pilot to go one step further, and yet as soon as
11 there is an accident it is the pilot's fault.

12 Now, in the Reversing Falls, there were two
13 accidents in one year. Three out of one hundred and
14 twenty trips, which I think the Commission will know is
15 a pretty good accident record. As soon as the second
16 accident happened, that afternoon Mr. J. K. Irving
17 sent a letter to the Superintendent of Pilots immediately.
18 He said two accidents in one year is unreasonable.

19 Now, that of course is what happens. An
20 accident that is in Exhibit No. 420, but the point is
21 you have shipowners, and this is not the only shipowner
22 in Canada that does that. I am not suggesting that.
23 You have a shipowner pressing the pilots to take chances,
24 but yet willing to tell the pilots as soon as there is
25 an accident "It is all your fault".

26 So the pilot is caught in the squeeze. He
27 is being pushed to take risks, and he knows quite well
28 that as soon as an accident happens he, the pilot, is
29 going to be blamed. Now, that is the situation here,
30 and I am sure the Commission, if you haven't heard it



1 in other parts of the country so far, I am sure you will,
2 because it is an age old problem.

3 With regard to the accident record, I would
4 just like to point out that the Shipping Federation made
5 a brief presentation to this Commission. There were no
6 complaints then regarding accidents. Mr. Kane, as I
7 recall his testimony, said they were very pleased with
8 the performance of the Saint John pilots. Now, they
9 represent apparently most, if not all, of the other
10 shipping companies doing business in this port, and
11 they seem content with the accident record of the Saint
12 John pilots, and I submit that the Commission will find
13 in reviewing all the statistics that it is good.

14 The Irving tugboats have themselves had
15 scrapes on occasions when pilots weren't aboard. I
16 asked Captain Chisholm about that at page 3862, and he
17 told me first that there were no accidents whatsoever
18 on occasions when there was no pilot aboard. I then
19 asked him about specific instances, and he admitted
20 five. After telling me that there were none, he
21 admitted knowing about five incidents where something
22 happened to these vessels on occasions when there was
23 no pilot.

24 Now, there are incidents, there are bound to
25 be in navigating ships in a place like the Reversing
26 Falls. Just as soon as the pilot makes a mistake, it
27 is automatically his fault. He is unreasonable, and
28 they say: "We are not going to use pilots any more."
29 Now, the pilots aren't complaining about the right of
30 Irving Oil to not have a pilot to go to that part of the



1 the harbour, because they are not obliged to, but the
2 inference that their accident record, to charge that
3 their accident record is bad is of some consequence.

4 Now there was, you will recall, some evidence
5 by I think it was Francis Quinn, that even now when the
6 weather gets bad, or when it gets foggy, and Captain
7 Chisholm or the people that they have to look after
8 their own vessels, aren't willing to run the risks
9 involved in fog or heavy weather, then of course they
10 call a pilot to do it for them. Francis Quinn, in
11 the June sittings, gave evidence as to that. Again,
12 the pilots aren't complaining, but there it is. When-
13 ever things are bad they call a pilot.

14 Now, in passing I would just like to mention
15 that we have had no representation at this Commission
16 from California Shipping, the people who apparently
17 operate these vessels. Whether any inference can be
18 drawn from that or not, I don't know, but one would
19 expect that if the owners and operators of these
20 supertankers felt put out about the pilotage situation
21 here that they would be here, and say so.

22 THE CHAIRMAN: They are not too much in-
23 volved with the delays, I suppose. The refinery is
24 obliged to pay the pilots.

25 MR. McKELVEY: I would imagine.

26 THE CHAIRMAN: So they don't care too much.

27 MR. McKELVEY: It may be that they don't care,
28 but it would seem to me that the shipowner, if the situa-
29 tion was bad enough, would be here.

30 MR. JACQUES: I might say here that I think



1 they will be in Montreal.

2 MR. McKELVEY: Now, in regard to the re-
3 quest that there should be an increase in dues. As
4 explained in our brief, and as I mentioned this morning,
5 the pilots aren't basing this on the fact that they
6 are not making enough money, but on the fact that any
7 professional man, regardless of his profession, should
8 receive a fee which compares favourably with the risk
9 and the amount involved, and the work he does. It is
10 accepted in the medical profession, the legal profession,
11 I presume it is accepted in the engineering profession,
12 and in many other professions, and I am sure that my
13 learned friends would be the last to suggest that their
14 fee for a multi-million dollar case should be held
15 down simply because they made a lot of money that year.

16 Now, they say in one brief that the increase
17 of these dues will drive the tankers out of Saint John
18 harbour. Then it is said in the other brief that they
19 are willing to pay for special pilots. Now, if they
20 are willing to pay for special pilots, what is the
21 difference if it is a question of money? It is still
22 costing money.

23 THE CHAIRMAN: Well, I suppose they had in
24 mind that a special pilot could bring in their ship at
25 any time. They wouldn't be sitting there outside for
26 two or three weeks. Maybe that is what they had in
27 mind, and they would save there.

28 MR. McKELVEY: Well, maybe, but they have
29 not said it. They have just said that an increase in
30 dues would put us at a disadvantage with Halifax, where



1 dues are higher, but now we find this afternoon that
2 for some reason they have decided to use five tugs when
3 the pilots say they don't need them. The pilots only
4 require four. They take it upon themselves, or
5 California Shipping have, to hire an extra tug at a
6 cost of \$250 a ship. Well, now, if you do a little
7 bit of arithmetic -- in Schedule B of the Pilots'
8 brief, one vessel shows an increase of \$49.07; another
9 vessel, \$77.43; a third one, \$92.73. This is in
10 and out. This is the charges that it is said will
11 drive the tankers out of the harbour of Saint John,
12 but California Shipping Company by its own action a
13 few months ago, has incurred an extra liability of
14 \$250, which the pilots say is not necessary at all.
15 They don't need them.

16 Now, it has been said that the pilots are
17 unreasonable. Wherein are they unreasonable? Is it
18 unreasonable for a pilot to say that I am not going to
19 take chances during the freshet season? Is it unreason-
20 able for a pilot to go to a captain during freshet season
21 and say "Now, Captain, I really think that it is quite a
22 risk to take this ship in. I am willing to do it for
23 you, but I don't know, I am a bit doubtful". Is
24 that unreasonable? Is it unreasonable for Francis
25 Quinn to bring a ship into Courtenay Bay even when
26 Captain Bigler tells him not to because he knows that
27 they want to get it in? Is it unreasonable for them
28 to hold opinions on tugboats when that is part of their
29 job? Is it unreasonable for a pilot to expect that
30 his remuneration should be increased for this extra



1 difficult work due to the fact that he has only had
2 about a 25 per cent increase in dues since 1920 for
3 ordinary work?

4 Although it is said that the pilots are
5 unreasonable, I submit that there is no evidence whatever
6 to show that they are doing anything except what is ex-
7 pected of them in performing their duty, and nothing
8 has been shown to be unreasonable.

9 Now, I think, my lord, that that pretty well
10 summarizes the picture. If there are solutions to these
11 problems it may well be that the pilots are too close
12 to the problems to see the obvious answer. I hope
13 that the Commission will be able to come up with some-
14 thing helpful, and I can assure you on behalf of the
15 pilots of Saint John that you can count on the coopera-
16 tion of the pilots in solving these problems.

17 The pilots are, and have been for years,
18 anxious to make this a safe port, and to do their
19 utmost to help the shipping interests, and I believe
20 they have been successful, and they will continue to
21 do their best.

22 In conclusion I would like to thank you,
23 your lordship, for your kindness in coming back on this
24 occasion in order to give us an opportunity to complete
25 the presentation of our case. We realize that this
26 was unforeseen, and was a little bit more than the
27 ordinary call of duty.

28 THE CHAIRMAN: Well, that is quite
29 all right. It is part of my job to do that, and to
30 see that people can say everything they have to say,



1 and that we are well informed.

2 I think that returning here to have a
3 complete picture -- we have to have a complete picture
4 of the facts, and only having part of it would be mis-
5 leading.

6 So, right now I am quite pleased. I think
7 the evidence we have had in the last two days, added
8 up to what we had before, completes it.

9 MR. GILBERT: I would just like to
10 point out one or two things which occurred to me during
11 Mr. McKelvey's presentation, which is not in accordance
12 with the evidence.

13 There has been no evidence whatever that the
14 owners, or the charterers, of these ships have sought
15 to have the pilots take unnecessary risks at all. There
16 is not a bit of evidence that they have been asking them
17 to take risks.

18 Furthermore, with regard to the number of
19 these tugs, well, California is willing to pay for three
20 Irving tugs. It is the pilots who are requiring the
21 two extra Saint John Tugboat Company tugs. Otherwise
22 there would be only four. That is the situation. If
23 we had our choice there would only be four tugs, and
24 I think it is very clear from the evidence that they
25 put the company in a very invidious position where in
26 order to get a tugboat of the Saint John Tugboat Company
27 they have had to pay what I consider a very exorbitant
28 fee to get it. As far as saving money for the refinery
29 concerned, it is obvious that it has cost them a great
30 deal in order to use the tugs that the pilots have insisted



1 on having.

2 MR. JACQUES: I wish to extend my
3 thanks to my learned friends, and also to all the wit-
4 nesses, who were willing to appear before the Commission
5 without a subpoena.

6 THE CHAIRMAN: So we are going to
7 close the hearing at Saint John, and of course, as I
8 told you before, and I repeat it now, should any other
9 facts come to your mind that should be known to us, you
10 could inform us of those facts, and if necessary you
11 could either join us at other places where we sit, or,
12 I can't promise you that we would come back here, unless
13 it is very, very necessary, but we will make whatever
14 arrangements are necessary to have those facts brought
15 into the evidence, and of course for any representation
16 that you make you could send that to us in writing.
17 Then also you could come to Ottawa when we have the
18 pleadings, which we could forecast about some time in
19 April.

20 MR. GILBERT: My lord, Mr. Gillis
21 and I would like to add our appreciation to what has
22 been said by other counsel in regard to your lordship's
23 meeting the convenience of witnesses in Saint John by
24 this special hearing. I am sure our clients also
25 appreciate it very much indeed, because it saved them
26 taking all these witnesses to Ottawa, and after all
27 we have the records here, and it is much more con-
28 venient.

29 THE CHAIRMAN: That is the way we
30 see it, but having the other two Commissioners here,



1 it is quite an arduous job. We have been travelling
2 week after week, and it is tiresome, and we thought
3 that they should have their month of August, and on
4 the other hand we have a very crowded agenda for the
5 fall and the beginning of the winter, so we thought it
6 was much better to finish up with Saint John, and that
7 is why I am here.

8 So thank you very much, gentlemen. We
9 will now adjourn.

10
11 ---Adjourned.
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